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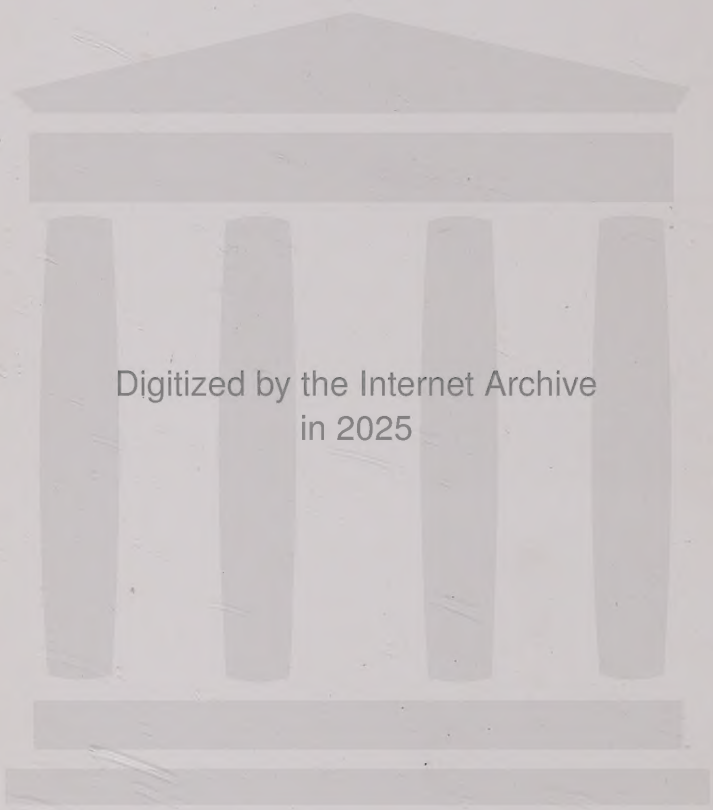
Nov. 24th 1902.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REGULATIONS

FOR THE

ARMY OF THE UNITED STATES

1901

WITH

APPENDIX,

SEPARATELY INDEXED, SHOWING CHANGES TO DECEMBER 31, 1902.

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WAR DEPARTMENT,

Document No. 198,

OFFICE OF THE ADJUTANT-GENERAL.

WAR DEPARTMENT, *May 1, 1901.*

The PRESIDENT OF THE UNITED STATES directs that the following *Regulations for the Army* be published for the government of all concerned, and that they be strictly observed. Nothing contrary to the tenor of these Regulations will be enjoined in any part of the forces of the United States by any commander whomsoever.

ELIHU ROOT,
Secretary of War.

The Drill Regulations, the Instructions for Troops in Campaign, and the manuals and special regulations concerning the several staff departments or particular branches of the service will contain, besides extracts from general regulations, such rules as have special application; but no regulations, orders, or instructions will be embodied therein which are in conflict with the Regulations for the Army. (Decision of Secretary of War, October 31, 1895.)

TABLE OF CONTENTS.

ARTICLE I.
Military discipline, 1–5.

ARTICLE II.
Precedents of regiments and corps, 6.

ARTICLE III.
Rank and precedence of officers and noncommissioned officers, 7–12.

ARTICLE IV.
Command, 13–19.

ARTICLE V.
Appointment and promotion of commissioned officers, 20–35.

ARTICLE VI.
Staff appointments and details, military attachés, 36–42.

ARTICLE VII.
Details to colleges, 43–47.

ARTICLE VIII.
Chaplains, 48–51.

ARTICLE IX.
Transfer or exchange of officers, 52, 53.

ARTICLE X.
Leaves of absence to officers: Ordinary leaves, 54–71; Sick leaves, 72–76.

ARTICLE XI.
Officers traveling on duty, 77–84.

ARTICLE XII.
Retirement of officers, 85–88.

ARTICLE XIII.
Resignation of officers, 89–92.

ARTICLE XIV.
Deceased officers, 93–99.

ARTICLE XV.
The post noncommissioned staff, 100–114.

ARTICLE XVI.
Detached soldiers, 115.

ARTICLE XVII.
Furloughs to soldiers, 116–124.

ARTICLE XVIII.
Transfer of enlisted men, 125, 126.

ARTICLE XIX.
Deserters, 127–145.

ARTICLE XX.
Retirement of enlisted men, 145–150.

ARTICLE XXI.
Discharges, 151–170. Certificates of disability, 171–174.

ARTICLE XXII.
Deceased soldiers, 175–180.

ARTICLE XXIII.
Working parties. Extra and special duty men, 181–190.

ARTICLE XXIV.
Soldiers' Home, 191–194.

ARTICLE XXV.
Medals of honor and certificates of merit, 195–199.

ARTICLE XXVI.
Veterinarians, 200–204.

ARTICLE XXVII.
The Commanding General of the Army, 205, 206.

ARTICLE XXVIII.
Territorial departments, 207–215.

ARTICLE XXIX.
Military posts and reservations: Posts, 216–227; Reservations, 228–230.

ARTICLE XXX.
Flags, colors, standards, and guidons, 231–252.

ARTICLE XXXI.
Regiments: Organization and instruction, 253–259; The regimental staff, 260–270; Regimental records, 271, 272; Bands, 273–279.

ARTICLE XXXII.
Troops, batteries, and companies: Officers and noncommissioned officers, 280–293; Company books and records, 294, 295; Interior economy of companies, 296–309, Messing and cooking, 310–316.

ARTICLE XXXIII.
Councils of administration, 317–323.

ARTICLE XXXIV.
Regimental bakery, company, and mess funds, 324–334

ARTICLE XXXV.
Post bakeries, 335–340.

ARTICLE XXXVI.
Libraries, reading rooms, etc., 341–351.

ARTICLE XXXVII.
Post gardens, 352–354.

ARTICLE XXXVIII.
Post schools, 355–362.

ARTICLE XXXIX.
Post exchanges, 363–365.

ARTICLE XL.
The Artillery Corps: The Chief of Artillery, 366, 367.

ARTICLE XLI.
Care of fortifications, armament, and equipment, 369–401.

ARTICLE XLII.
Visits to lake and seacoast defenses, 402–406.

ARTICLE XLIII.
Artillery practice, 407–415.

ARTICLE XLIV.
Small-arms practice, 416–422.

ARTICLE XLV.
Roster, detachments, and daily service: The roster, 423–437; Detachments, 438–442; Daily service, 443–448.

ARTICLE XLVI.
Honors, courtesies, and ceremonies: Honors, 449–464; Salutes with cannon, 465–480; Visits and courtesies, 481–487; Escorts of honor, 488; Funeral honors, 489–509; Ceremonies, 510–517.

ARTICLE XLVII.
Guards, 518–521.

ARTICLE XLVIII.
Maps and reconnaissance, 522–526.

ARTICLE XLIX.
The Military Academy, 527–529.

ARTICLE L.
The United States War College: The Service Schools, 530–543.

ARTICLE LI.
The Government Hospital for the Insane, 544–549.

ARTICLE LII.
Indians: Indian country, etc., 550–557; Indian scouts, 558–562.

ARTICLE LIII.
Employment of troops in the enforcement of the laws, 563–568.

ARTICLE LIV.
Cemeteries, 569–577.

ARTICLE LV.
Printing: Newspaper advertising, 578–587; Job printing, 588–592.

ARTICLE LVI.
Purchase of supplies and engagement of services: General provisions, 593–597; Advertising for proposals, 598–602; Proposals, 603–619; Awards, 620–626; Abstracts of proposals, 626; Methods of purchase, 627–637; Contractors' bonds, 638–644; Oral agreement, 645–647; Reports of purchases, 648; Marking supplies by contractors, 649.

ARTICLE LVII.
Bonds of disbursing officers, bidders, and contractors, 650–657.

ARTICLE LVIII.
Money accountability: Public moneys, 658–661; Disbursing officers, 662–675; Transfers, 676–686; Official check books, 687–689; Certificates of deposit, 690–695; Proceeds of sales, 696–698; Appropriations, 699–707; Accounts current, 708–712; Money vouchers, 713–734; Pecuniary responsibility of officers, 735, 736; Administrative examination of money accounts, 737, 738.

ARTICLE LIX.
Public property accountability and responsibility: General provisions, 739–773; Property accountability, 774–782; Administrative examination property returns, 783, 784.

ARTICLE LX.
Lands, buildings, and improvements, 785–789.

ARTICLE LXI.
Boards of survey, 790–807.

ARTICLE LXII.
Civilian employees: General provisions, 808–812; Traveling expenses, 813–820.

ARTICLE LXIII.
Staff administration, 821–832.

ARTICLE LXIV.
Adjutant-General's Department, 833–836.

ARTICLE LXV.
Military correspondence, 837–855.

ARTICLE LXVI.
Orders, 856–871.

ARTICLE LXVII.
Muster rolls, 872–875.

ARTICLE LXVIII.
Returns of Troops: Records, 876–894.

ARTICLE LXIX.
Personal and efficiency reports, 895–905.

ARTICLE LXX.
Penalty envelopes, 906–911.

ARTICLE LXXI.
The recruiting service: Classification and details, 912–914; Rendezvous and stations, 915–920; Enlistments, 921–938; Medical inspection, 939–947; Recruits sent to regiments, 948–952; Department and regimental recruiting, 953–955.

ARTICLE LXXII.
Inspector-General's Department: General provisions, 956–965; Stated inspections, 966–973; Methods of inspection, 974–976; Disbursements and accounts, 977–978; Property for condemnation, 979–990.

ARTICLE LXXIII.
Judge-Advocate-General's Department, 991–997.

ARTICLE LXXIV.
Arrest and confinement, 998–1017.

ARTICLE LXXV.
Courts-martial, 1018–1065.

ARTICLE LXXVI.
Civilian witnesses, 1066–1070.

ARTICLE LXXVII.
Employment of civil counsel, 1071, 1072; Habeas corpus, 1073–1075.

ARTICLE LXXVIII.
Quartermaster's Department: General duties, 1076–1079; Barracks and quarters, 1080–1115; Illuminating supplies, 1116–1135; Stationery, 1136–1140; Purchase of public animals, 1141–1150; Veterinary medicines, 1151–1153; Forage and straw, 1154–1162; Care of and accountability for property, 1163–1177; Horses of mounted officers, 1178–1182; Transportation, 1183–1285; Clothing and equipage, 1286–1330; Telegraphing, 1331–1341; Telephoning, 1342; Records, 1343–1345; Returns and reports, 1346–1350.

ARTICLE LXXIX.
Subsistence Department: General duties, 1351; Commissaries, 1352–1354; Subsistence supplies in bulk, 1355–1363; Transfers in bulk, 1364–1366; Gains, wastage, and deficiencies, 1367–1372; Storehouses, 1373–1375; Fresh meats, 1376; The ration, 1377–1380; Travel ration, 1380–1382; Issues of rations, 1383–1387, 1389–1402; Liquid coffee, 1388; Other issues of subsistence stores, 1403–1406; Savings, 1407–1409; Commutation 1410–1425; Sales, 1426–1439; Blank forms, 1440; Accounts and returns, 1441.

ARTICLE LXXX.
Pay Department: General provisions, 1442–1444; Payments to officers, 1445–1463; Pay during absence, 1464–1471; Travel allowances, 1472–1488; Commutation of quarters, 1489–1496; Stoppages, 1497–1500; Payment of cadets, 1501; Payment of enlisted men, 1502–1527; Reenlistment and continuous-service pay, 1528–1530; Allotments, 1531–1544; Forfeitures and deductions, 1545; Certificate of merit, 1546; Deposits, 1547–1555; Pay of deserters, 1556–1558; Payment of discharged soldiers, 1559–1566; Miscellaneous, 1567–1569.

ARTICLE LXXXI.
Medical Department: General provisions, 1570, 1571; Appointments, 1572, 1573; Contract Surgeons, Dental Surgeons, 1574–1589; The Hospital Corps, 1590–1620; Ambulances and litters, 1610–1615; Field service, 1616–1620; General hospitals, 1621–1627; Service of hospitals, 1628–1643; Hospital buildings, 1644–1650; Sick call, 1651, 1652; Medical attendance, 1653–1665; Medical supplies, 1666–1669; Reports and returns, 1670, 1671; Artificial limbs, 1672–1676.

ARTICLE LXXXII.
Corps of Engineers, 1677–1693.

ARTICLE LXXXIII.
Ordnance Department: General provisions, 1694; Issues and sales, 1695–1712; Expenditure of ammunition, 1713–1716; Surplus or damaged stores, 1717–1725; Inspection of ordnance supplies, 1726–1728; Packing and transportation, 1729–1733; Returns and reports, 1734–1737; Tests and experimental trials, 1738–1740.

ARTICLE LXXXIV.
The Signal Corps, 1741–1751.

ARTICLE LXXXV.
The Record and Pension Office, 1752–1755.

ARTICLE LXXXVI.
Uniform, 1756–1759.

ARTICLE LXXXVII.
Blank forms, 1761.

Articles of War (Revised Statutes, Sections 1202 and 1343 and Act of March 2, 1901), pp. 241–254.
Appendix, pp. 255–417.
Index to A. R., pp. 419–465.
Index to Appendix, pp. 467–478.

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REGULATIONS

FOR THE

ARMY OF THE UNITED STATES.

ARTICLE I.

MILITARY DISCIPLINE.

1. All persons in the military service are required to obey strictly and to execute promptly the lawful orders of their superiors.

2. Military authority will be exercised with firmness, kindness, and justice. Punishments must conform to law and follow offenses as promptly as circumstances will permit.

3. Superiors are forbidden to injure those under their authority by tyrannical or capricious conduct, or by abusive language.

4. Courtesy among military men is indispensable to discipline; respect to superiors will not be confined to obedience on duty, but will be extended on all occasions.

5. Deliberations or discussions among military men conveying praise or censure, or any mark of approbation, toward others in the military service, and all publications relating to private or personal transactions between officers, are prohibited. Efforts to influence legislation affecting the Army, or to procure personal favor or consideration, should never be made except through regular military channels; the adoption of any other method by any officer or enlisted man will be noted in the military record of those concerned.

ARTICLE II.

PRECEDENCE OF REGIMENTS AND CORPS.

6. On all occasions of ceremony, except funeral escort, troops are arranged from right to left in line, and from head to rear in column, in the following order: First, infantry; second, light artillery; third, cavalry. Artillery serving as infantry is posted as infantry; dismounted cavalry and marines are on the left of the infantry; engineer troops and detachments of the Signal Corps are on the right of the command to which they are attached; detachments of the hospital corps are assigned to place according to the nature of the service. When cavalry and field artillery, or field artillery and infantry, are reviewed together without other troops, the artillery is posted on the left. In the same arm, regulars, volunteers, and militia are posted in line from right to left, or in column from head to rear, in the order named. In reviews of large bodies of troops the different arms and classes are posted at the discretion of the commanding general, due regard being paid to their position in camp. On all other occasions troops of all classes are posted at the discretion of the general or senior commander.

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ARTICLE III.

RANK AND PRECEDENCE OF OFFICERS AND NONCOMMISSIONED OFFICERS.

7. Military rank is that character or quality bestowed on military persons which marks their station, and confers eligibility to exercise command or authority in the military service within the limits prescribed by law. It is divided into degrees or grades, which mark the relative positions and powers of the different classes of persons possessing it.

8. Rank is generally held by virtue of office in a regiment, corps, or department, but may be conferred independently of office, as in the case of retired officers and of those holding it by brevet.

9. The following are the grades of rank of officers and noncommissioned officers:

1. Lieutenant-general.
2. Major-general.
3. Brigadier-general.
4. Colonel.
5. Lieutenant-colonel.
6. Major.
7. Captain.
8. First lieutenant.
9. Second lieutenant.
10. Veterinarian, cavalry and artillery.
11. Cadet.
12. Sergeant-major, regimental, and sergeant-major, senior grade, Artillery Corps.
13. Quartermaster-sergeant, regimental.
14. Commissary-sergeant, regimental.
15. Ordnance-sergeant, post commissary-sergeant, post quartermaster-sergeant, electrician sergeant, hospital steward, first-class sergeant Signal Corps, chief musician, chief trumpeter, and principal musician.
16. Squadron and battalion sergeant-major, and sergeant-major, junior grade, Artillery Corps.
17. First sergeant and drum major.
18. Sergeant and acting hospital steward.
19. Corporal.

In each grade, date of commission, appointment, or warrant determines the order of precedence.

10. Officers of the Regular Army, Marine Corps, and volunteers when commissioned or mustered into the service of the United States, being upon equal footing, take precedence in each grade by date of commission or appointment. Militia officers, when employed with the regular or volunteer forces of the United States, take rank next after all officers of like grade in those forces.

11. Between officers of the same grade and date of appointment or commission, other than through promotion by seniority, relative rank is determined by length of service, continuous or ortherwise, as a commissioned officer of the United States, either in the Regular Army, or, since April 19, 1861, in the volunteer forces. When periods of service are equal, precedence will, except when fixed by order of merit on examination, be determined, first, by rank in service when appointed; second, by former rank in the Army or Marine Corps; third, by lot, among such as have not been in the military service of the United States.

12. The relative rank between officers of the Army and Navy is as follows, lineal rank only being considered:

General with admiral.
Lieutenant-general with vice-admiral.
Major-general with rear-admiral.
Brigadier-general with commodore.[1]
Colonel with captain.
Lieutenant-colonel with commander.
Major with lieutenant-commander.
Captain with lieutenant.
First lieutenant with lieutenant (junior grade).
Second lieutenant with ensign.

[1] The grade of commodore ceased to exist as a grade of rank on the active list in the Navy of the United States on March 3, 1899. By section 7 of the act of March 3, 1899 (30 Stat. L., 971), the nine junior rear-admirals are authorized to receive the pay and allowances of brigadier-generals in the Army.

ARTICLE IV.

COMMAND.

13. Command is exercised by virtue of office and the special assignment of officers holding military rank who are eligible by law to exercise command. Without orders from competent authority an officer can not put himself on duty by virtue of his commission alone, except as contemplated in the 24th and 122d Articles of War.

14. The following are the commands appropriate to each grade:

1. For a captain, a company.
2. For a major or lieutenant-colonel, a battalion or squadron.
3. For a colonel, a regiment.
4. For a brigadier-general, two regiments.
5. For a major-general, four regiments.

15. The functions assigned to any officer in these regulations by title of office devolve upon the officer acting in his place, except when otherwise specified. An officer in temporary command shall not, except in urgent cases, alter or annul the standing orders of the permanent commander without authority from the next higher commander.

16. An officer who succeeds to any command or duty stands in regard to his duties in the same situation as his predecessor. The officer relieved will turn over to his successor all orders in force at the time and all the public property and funds pertaining to his command or duty, and will receive therefor duplicate receipts showing the condition of each article.

17. An officer of Engineers or Ordnance, or of the Adjutant-General's, Inspector-General's, Judge-Advocate-General's, Quartermaster's, or Subsistence Department, or Signal Corps, or the Record and Pension Office, though eligible to command, according to his rank, shall not assume command of troops unless put on duty under orders which specially so direct, by authority of the President.

18. An officer of the Pay or Medical Department can not exercise command, except in his own department; but any staff officer, by virtue of his commission, may command all enlisted men like other commissioned officers.

19. When an officer is charged with directing an expedition or making a reconnaissance, without having command of the escort, the commander of the escort will consult him touching all arrangements necessary to secure the success of the operation.

ARTICLE V.

APPOINTMENT AND PROMOTION OF COMMISSIONED OFFICERS.

20. Notices of appointments and promotions are issued by the War Department through the Adjutant-General of the Army.

21. Appointment to the grade of general officer is made by selection from the Army.

22. Oaths of office of officers of the Army will be taken before some officer who is authorized by the law of the United States or by the local municipal law to administer oaths, before the judge-advocate of a department, or of a court-martial, or by the trial officer of a summary court. Officers of the Army, other than those above specified, are not authorized by law to administer such oaths.

23. Promotions in established staff corps and departments to include the grade of colonel will be made by seniority, subject to the examination required by law.

24. Promotions in the line of the Army to include the grade of colonel, in each arm of the service, will be made by seniority, subject to the examinations required by law.

25. Whenever any officer of the line or staff is ordered before an examining or retiring board, the originals or copies of all official records affecting his character or efficiency, on file in any bureau of the War Department, will be furnished to the Adjutant-General of the Army, and by him forwarded for the consideration of the respective boards.

26. Vacancies in the grade of second lieutenant existing on the 1st day of July each year are filled by appointment, in order, as follows: (1) From graduates of the United States Military Academy; (2) from enlisted men of the Army found duly qualified; (3) from civil life.

27. A soldier to be eligible for the position of candidate for promotion must be a citizen of the United States, unmarried, between 21 and 30 years of age on the 1st of September following his preliminary examination, and of good moral character both before and after enlistment. An applicant will not be ordered for the preliminary examination unless it is apparent that on the first of September next following he will have served honorably not less than two years. Such service need not have been continuous, but must have been rendered as an officer or enlisted man in the regular or volunteer forces, or as a cadet at the Military Academy, unless such cadet was discharged for deficiency in conduct or studies, in which case he will not be entitled to appointment in advance of the graduation of his class. The competitor at the date of his application must be an enlisted man of the Regular Army. Applications will be made to department commanders on or before February 1 of each year, and company commanders in forwarding them will verify the statement of service submitted by enlisted men of their respective commands.

28. With a view to the selection of proper enlisted men of the Army as "candidates for promotion" to the grade of second lieutenant, each department commander will, as soon as practicable after March 15 of each year, convene a board of five officers for the preliminary examination of the soldiers of his command who are legally qualified applicants for a commission to determine their eligibility for the competitive examination. This board will institute a rigid inquiry into the character, capacity, record, and qualifications of the several candidates, and will recommend none for competitive examination who are not able to establish their fitness for promotion to the entire satisfaction of the board. On September 1 of each year the War Department will convene a board of five officers for the final competitive examination to determine the fitness and order of merit for promotion of the soldiers who have successively passed the preliminary examination. Two members of each board will be officers of the Medical Department.

29. Each enlisted man recommended in accordance with the law and the foregoing regulation will receive from the Adjutant-General of the Army a certificate of eligibility for appointment to the grade of second lieutenant, and will be known as a "candidate" for promotion. He will have the title "candidate" prefixed to his name in all rolls, returns, orders, and correspondence in which it appears, and will be entitled to wear the candidate's stripe on the sleeves of uniform coat, blouse, and overcoat so long as he holds this specially honorable position.

30. The eligibility of a candidate for appointment as second lieutenant and his privileges as candidate terminate the 1st of September next succeeding his competitive examination, unless he shall again be recommended on competitive examination. A candidate who becomes ineligible by reason of age will be entitled to wear the candidate's stripe on the left sleeve so long as he maintains his good standing in the service. Having passed a departmental board, but having failed to pass the competitive board, he may again be examined by the competitive board on proper

application made through department headquarters; he will not be required to pass a departmental board a second time. An applicant who twice fails in competitive examination to obtain a certificate of eligibility as candidate for promotion can not again compete for that position.

31. Candidates who may be guilty of misconduct will be promptly reported to the Adjutant-General of the Army, through regimental and department headquarters, the report to contain a full statement of the alleged misconduct, with names of witnesses. The department commander will see that the candidate has a fair and impartial hearing, and will forward the report for the decision of the Secretary of War.

32. Candidates for promotion will not be deprived of the privileges of their position except by sentence of a general court-martial or by order of the Secretary of War, or by operation of law or regulations. While holding the privileges of that position they will not be brought before inferior courts-martial for trial.

33. A civilian to be eligible for appointment must be a citizen of the United States, unmarried, between 21 and 27 years of age, must be examined and approved as to habits, moral character, mental and physical ability, education, and general fitness for the service, by a board convened and constituted as provided in paragraph 28 for the final competitive examination of enlisted men. The educational qualifications required for appointment, which are those necessary for admission to the service schools at Fort Leavenworth and Fort Monroe, will be announced in orders from time to time by the Adjutant-General of the Army.

34. No person shall be examined unless he has a letter from the War Department authorizing his examination.

If the candidate has been graduated at an institution where he received military instruction, he must present a diploma or a recommendation from the faculty of the institution.

If a member of the National Guard, he must present recommendations from the proper National Guard authorities.

35. Every candidate will be subjected to a rigid physical examination, and if there be found to exist any cause of disqualification which might in the future impair his efficiency as an officer of the Army, he will be rejected. The board will inquire and report concerning each applicant whether he is of good moral character or addicted to the use of intoxicating liquors. Examination as to physical qualifications will conform to the standard required of recruits, and include a certificate of physical examination by two medical officers to accompany the proceedings of the board (which will embrace all the information required by the form of examination of recruits).

ARTICLE VI.

STAFF APPOINTMENTS AND DETAILS—MILITARY ATTACHÉS.

36. Regulations respecting details of line officers to the staff, under the authority conferred by the act of February 2, 1901, together with such rules as may be prescribed by the President in regard to examinations therefor, will be announced in orders, from time to time, by the Adjutant-General of the Army.

37. As far as practicable, all appointments and details for staff duties will be equalized among the several regiments.

38. In making details for special duty and detached service, due consideration will be given to the efficiency, zeal, and reliability of officers as evidenced by the record of their services.

39. An officer will not be detached from his regiment or corps until he has served at least three years therewith, and when an officer shall have been so detached for a period of four years, unless he be assigned to special duty by the War Department, he will apply for orders to be relieved.

40. The Lieutenant-General is allowed by law two aids and a military secretary; a major-general is allowed three aids, to be taken from captains or lieutenants of the Army; a brigadier-general is allowed two aids, to be taken from the lieutenants of the Army. An officer assigned to duty in accordance with his brevet rank as major-general or brigadier-general may, with the special sanction of the War Department, be allowed the aids of the grade. General officers may select their aids from officers serving in their commands, subject to the restrictions herein prescribed, but appointments as aids of officers serving without such limits must receive the approval of the Secretary of War. An officer will be appointed aid to a general officer only after he shall have actually served with troops for at least three of the five years immediately preceding such appointment. He will hold such appointment for no longer period than four years, except that, upon the request of a general officer whose retirement by reason of age will occur within one year, the tour of four years may be extended by the Secretary of War to the date of such retirement.

41. An officer of the Army serving as military attaché abroad will be entitled to the following allowances: A suitably furnished office when needed, or an unfurnished room with one desk or table, six chairs, one book or file case, the articles allowed for an office desk by Regulations, and the stationery required in the performance of public duty, to be furnished by the Quartermaster's Department, and in either case the regulation allowance of fuel for one office fire. Mounted officers will be allowed forage if horses are actually kept, and officers not mounted, or mounted officers not drawing forage, the hire of a horse when necessary for mounted duty. Necessary funds for these allowances and blank forms for reports and returns will be procured by requisition on the Quartermaster-General. Money accounts will be rendered quarterly. Items for necessary cost of exchange will be entered on accounts current, the entries of each being supported by the certificate of the officer that current rates of exchange were paid and that other vouchers are not obtainable. Allowances of mileage, commutation of quarters, and, except as provided in paragraph 1244, transportation, are the same as when on other duty.

42. All publications of a military nature issued by the Government intended for delivery abroad will, unless otherwise ordered, be sent to the War Department, marked, "Division of Military Information."

ARTICLE VII.

Details to Colleges.

43. Officers of the Army may be detailed to act as superintendents or professors of established military institutes, seminaries or academies, colleges or universities. Officers desiring such details may apply to the Adjutant-General of the Army through regular channels.

44. Regimental staff officers, officers who have served less than five years in the Army or less than three years with their regiments or corps, those who have recently completed a tour of detached duty, and officers on duty as instructors or students at the service schools will not be eligible.

45. A retired officer may, at his own request, be detailed for this duty, or he may arrange to serve at a college without detail from, or reference to the War Department.

46. No detail will be made to any college or university unless the officer is acceptable to the authorities of the institution; nor will an officer be detailed for such duty unless drill and instruction in military tactics constitutes a part of the prescribed course of study.

47. Instructions to officers detailed under paragraph 43, and regulations concerning applications for officers, apportionment of details, and the issue of the ordnance stores authorized by law, will be furnished by the War Department.

ARTICLE VIII.

Chaplains.

48. Regimental chaplains and chaplains of the Artillery Corps will be assigned and transferred by the Secretary of War.

49. Department commanders will from time to time recommend such transfers of chaplains in their commands as may be deemed for the best interests of the service.

50. Chaplains will render to the Adjutant-General of the Army, through the usual military channels, on prescribed forms, monthly reports of duties performed. They will keep an accurate record of all marriage, baptismal, and funeral services performed by them, both for persons in the military service and for civilians. This will be one of the post records and will be subject to examination by inspectors.

51. Chaplains will not be required to turn out with troops on occasions of ceremony, but will be inspected at post chapels, schoolrooms, or libraries, as may be designated by post commanders.

ARTICLE IX.

Transfer or Exchange of Officers.

52. Officers transferred from one arm or corps to another, on mutual application, will be nominated for reappointment with rank as of the date of the commission of the junior officer previous to the transfer, and upon confirmation will be recommissioned accordingly. An officer of the lowest grade in any arm or corps who may be transferred, on his own application, to a vacancy in his grade in any other arm or corps will take rank next after the junior officer of the arm or corps to which he is transferred, and will be nominated for reappointment, with a new date of rank if necessary to fix his proper position, and upon confirmation will be recommissioned accordingly. These new appointments and commissions will determine the rank of transferred officers in their regiments and corps as well as in the Army.

53. Officers in each arm of the service will be transferred from one regiment to another therein, as the interests of the service require, by orders from the War Department, without change of rank or commission. The transfer or exchange of company officers of a regiment or of the artillery corps will be made by the Commanding General of the Army.

ARTICLE X.

Leaves of Absence to Officers.

ORDINARY LEAVES.

54. In time of peace the commander of a post may grant leaves of absence not to exceed seven days at one time, or in the same month; and he may give permission to apply to the proper authority for extension of such leaves for a period not to exceed twenty-three days.

55. The commander of a post may take leave of absence not to exceed seven days at one time, or in the same month, reporting the fact to his next superior commander.

56. A division commander may grant leaves for ten days, a corps or department commander for one month, and the Commanding General of the Army for four months; or they may extend to such periods those granted by subordinate commanders. Applications for leaves of more than four months' duration, or from officers of the staff corps and departments for more than one month, or from department commanders desiring leaves of absence to pass beyond the territorial limits of their commands, will be forwarded to the Adjutant-General of the Army for the action of the Secretary of War.

57. An application for leave must state its desired duration. Intermediate commanders will indorse their recommendations upon the application.

58. Chiefs of bureaus may grant leaves for one month to officers of their respective corps serving under their immediate direction, or extend to that period those already granted to such officers.

59. Leaves of absence for three months, from date of graduation, will be allowed to graduates of the Military Academy. They will not be counted against them in subsequent applications for leave, but can not be postponed to another time.

60. Leaves of absence will not be granted so that a company will be left without a commissioned officer, or a post without two commissioned officers and competent medical attendance; nor will leave of absence be granted to an officer during the season of active operations, except in case of urgent necessity.

61. Leave of absence exceeding seven days, except under extraordinary circumstances particularly stated in the application, will not be granted to an officer until he has joined his regiment or corps and served therein at least two years.

62. Applications for leaves of absence will not be made except through military channels, nor will extensions be granted unless recommended by competent authority.

63. Leaves of absence will be granted in terms of months and days, as "one month," "one month and ten days." Leave for one month, beginning on the first day of a calendar month, will expire with the last day of the month, whatever its number of days. Commencing on an intermediate day, the leave will expire the day preceding the same day of the next month. The day of departure, whatever the hour, is counted as a day of duty; the day of return, as a day of absence.

64. A leave of absence commences on the day following that on which the officer departs from his proper station. The expiration of his leave must find him at his post, except as indicated in paragraphs 1467 and 1484. A leave of absence granted an officer in the field, or on special duty, will take effect on the termination of the campaign, or on the completion of such duty, unless in the opinion of the department commander his services can sooner be spared, in which case it will take effect at such time as the department commander may direct. In all other cases an officer is expected to avail himself of a leave as soon as proper facilities offer, unless a specific date is stated in the order, and if unable to do so, he will report the fact to the authority granting the leave.

65. Officers will not leave the United States to go beyond the sea without permission from the War Department.

66. An officer of the Army visiting foreign countries, whether on duty or leave, will avail himself of all proper opportunities to obtain military information, especially such as pertains to his branch of the service. He will report the results of his observations to the Adjutant-General of the Army on his return to duty, or sooner if practicable.

67. The Department of State will hereafter issue special passports for the use of officers of the Army traveling abroad, either on duty or leave of absence, upon the condition that they be put to use tending to increase the efficiency of the military service, and only upon the request of the War Department, and never upon the direct request of the officers themselves. Applications of officers for special passports will be addressed to the Adjutant-General of the Army, will set forth the reasons for requesting and the use to be made of them, and they must, in all cases, be accompanied by the fee of one dollar, which is required by law to be collected for every citizen's passport issued.

68. An officer granted leave of absence for more than seven days will, before taking advantage thereof, report to his post and regimental or corps commander and to the Adjutant-General of the Army the probable date of his departure and his new address, and thereafter he will immediately report any change in his address to the same officers. Verbal permits for less than twenty-four hours are not counted as leaves of absence, but every other absence, of whatever duration, with date of departure and return, will be noted on the post, regimental and department returns.

69. Permission to hunt will not be considered as a leave of absence if the officer on his return to the station forwards to department headquarters, through his commanding officer, a certificate that his time while absent was employed solely in hunting, and furnishes a report giving as complete a description as possible of the country traversed by him.

70. Permission to hunt, under paragraph 69 of these regulations, may be granted by department and post commanders for periods not exceeding those for which they are authorized to grant leaves of absence.

71. All applications for extensions of leaves of absence or for delays, and all correspondence regarding them, will pass through military channels.

SICK LEAVES.

72. Application for leave of absence on account of sickness will be made to the commanding officer, who will refer it to the surgeon. The surgeon will examine the applicant and should he find the leave necessary to restore health, he will submit to the commanding officer a medical certificate in the prescribed form, stating explicitly the nature, seat, and degree of the disease, wound, or disability, the cause thereof if known, and the period during which the officer has suffered from it. He will also give his opinion as to whether the disease, wound, or disability can be satisfactorily treated within the department in which the officer is stationed, or whether a change of climate or locality is necessary to afford more rapid or perfect recovery, in which case the special place or region recommended will be designated, with reasons therefor. The surgeon will also state whether, in his opinion, the disease, wound, or disability requires treatment by a specialist, and, if so, the nearest place where it can be obtained; also whether the wound or disease incapacitates the officer from all duty, or whether he can perform special duty, and, if so, the kind that he may undertake without endangering his ultimate cure.

73. The Commanding General of the Army and department commanders have the same authority to grant leaves of absence on account of sickness as to grant ordinary leaves. Permission to go beyond the limits of the command in which the applicant is stationed will be given only when the certificate of the medical officer shall state explicitly that it is necessary to afford rapid or perfect recovery.

74. On the expiration of a sick leave, if the officer be able to travel, he will proceed to his post or station. If an extension of such leave be necessary, he will make timely application therefor through the same channel as in case of request for extension of ordinary leave, basing his application upon a medical certificate in prescribed form. When he can not procure the certificate of a medical officer he will substitute his own certificate, on honor, as to his condition, which will embrace a full statement of his case. While absent from duty he will make report in the same manner as if on ordinary leave.

75. An officer who starts to join his station at the expiration of a sick leave will be reported on the rolls and returns as "en route to join station from sick leave of absence," during the time necessarily consumed in making the journey to his post. Should he delay en route, or consume more time in the journey than is necessary, the commanding officer will require him to explain in writing the cause of delay. This explanation will be forwarded to the Adjutant-General of the Army, with the remarks of intermediate commanders.

76. An ordinary leave will not be changed to a sick leave, unless the officer desiring it make application therefor through his post commander, by whom it will be referred to the surgeon, who will certify as to the necessity of the change, or otherwise, as the case may be. The post commander will forward the application through intermediate commanders, who will indorse their remarks thereon for the action of the Commanding General of Army or the Secretary of War. In all reports concerning absence on account of sickness the officer will state how long he has been absent sick, and by what authority.

ARTICLE XI.

Officers Traveling on Duty.

77. When an officer is ordered without troops from one post of duty to another, he will proceed by the shortest usually traveled route, without unnecessary delay. Upon his arrival at his new post he will immediately report in writing to the commanding officer the date of his departure from his former station, and submit a copy of his order, noting thereon the date he received it. If he shall appear to have made unnecessary delay en route, he will be required to explain the cause thereof. If the post commander deem the explanation unsatisfactory, he will forward the same, with a statement of the facts in the case, to the department commander. If the officer be superior in rank to the post commander, the required report will be made by the officer himself to the department commander.

78. Orders detaching an officer for special duty will direct him to return to his proper station on the completion of the duty assigned him when it is intended that he shall do so.

79. Delays in obeying orders, in reporting for duty, or in returning to duty from leave can not be authorized except by the Secretary of War or the Commanding General of the Army. Such delays will be regarded as leaves of absence, unless it be stated in the order granting them that they are in the interest of the public service.

80. Orders contemplating the payment of mileage must state the special duty enjoined, and that the travel directed is necessary for the public service. They will not direct travel beyond the limits of the command of the officer who issues them, except that commanders of departments or corps outside the present limits of the States composing the Union may order officers of their commands to return to the United States in cases of emergency, in which the travel directed is manifestly for the public interest or is necessary to save life. When a general is ordered on duty beyond the limits of his command, he may order an officer of his staff to accompany him; if ordered to change station, he may order the necessary change of station of his personal staff.

81. Staff officers not serving under department commanders will apply to the War Department for orders directing necessary travel on public business.

82. When urgent public duty has compelled travel, without authority previously obtained, the case will be immediately reported to the proper superior officer, whose approval in subsequent orders will be accepted as though previously issued.

83. Orders directing officers to visit Washington for the settlement of their accounts will be issued only by the Secretary of War.

84. Officers and enlisted men reporting as witnesses before a civil court should receive from the civil authorities the necessary expenses incurred in travel and attendance; neither mileage nor travel allowances will be paid in such cases by the War Department. If, however, it is absolutely necessary to furnish them transportation in kind to enable them to appear, as witnesses for the Government, before a civil court of the United States, an account of such expenditure, together with the evidence that they were properly subpœnaed and did attend the court, will be forwarded to the War Department for presentation to the Department of Justice. Officers providing such transportation will notify the court, or the marshal thereof, that it was furnished to enable the witnesses to perform the requisite journeys in obedience to the summons.

ARTICLE XII.

Retirement of Officers.

85. When an officer becomes disabled for the performance of duty by reason of wounds, sickness, or improper habits, his immediate commander will report the facts to the department commander for the action of the War Department. The report in each case will contain specific statements and the names of witnesses by whom they can be substantiated.

86. Habitual intemperance, gambling, or other vices that tend to corrupt an officer and lower the professional standard will be regarded as proper subjects for the consideration and report of a retiring board.

87. When ample testimony establishes the fact that an officer has through vicious indulgence slighted or neglected his duties to such a degree as to make it unsafe to intrust him with a command, or with responsibility that properly belongs to his grade, and when it is shown that such habits have continued for such length of time as to render permanent reformation improbable, this fact, rather than his condition when he appears before the board, shall weigh in its finding as to his incapacity for active duty.

88. The uniform of an officer on the retired list is that of his actual rank in his regiment or corps when retired, except that the number of the regiment or insignia of corps or department will not be worn. A retired officer with brevet commission, either in the regular or volunteer service of the Army of the United States, may wear the uniform of his highest brevet grade, and an officer who has held a commission, not brevet, in the volunteer service, may wear the uniform of his highest grade in that service except that the number of the regiment or insignia of corps or department will not be worn.

ARTICLE XIII.

Resignation of Officers.

89. A resignation tendered by an officer will be forwarded by his commanding officer, through prescribed channels, to the Adjutant-General of the Army for the decision of the President. Until duly accepted, the officer will not be considered as out of the service.

90. A resignation tendered under charges will be forwarded, accompanied by a report of the case, or, if practicable, by a copy of the charges. All correspondence with the War Department, on the part of the officer who tenders the resignation, will be conducted through prescribed channels.

91. Leave of absence will not be granted on tender of resignation unless the resignation be unconditional and immediate. When leave is requested, the officer's address will accompany the resignation.

92. An officer of the Army on the active list who accepts or exercises the functions of a civil office thereby ceases to be an officer of the Army. An officer on the active list can not lawfully accept or hold any office created by State or municipal authority, whether in State military organizations or otherwise.

ARTICLE XIV.

Deceased Officers.

93. The death of an officer, with place, cause, day, and hour, will be reported without delay by his immediate commander direct to the Adjutant-General of the Army. A duplicate of this report will be forwarded to department headquarters. When the death occurs away from the officer's station, in hospital or on leave, the medical officer, if one be present, or any officer having cognizance of the fact, will make the report.

94. Inventories of the effects of deceased officers, as required by the one hundred and twenty-fifth article of war, will be transmitted to the Adjutant-General of the Army. If legal representatives take possession of the effects, the fact will be stated in the inventory.

95. In each case of death occurring among the registered passengers on an army transport, i. e., officers and enlisted men not belonging to distinct commands on board, as well as civilians and employees, the transport quartermaster will secure the effects and prepare a letter to the nearest relative setting forth the name, rank, company, regiment, employment, or condition of the deceased; place, cause, day, and hour of death; disposition made of remains and effects, and list of the latter, and mail the communication at the earliest opportunity to its address. Such notification of death in the case of an officer, enlisted man, or civilian employee of the Army shall also include the information that, if it be desired, the remains will be shipped home at Government expense upon application therefor, by the nearest relative, addressed to the Quartermaster-General, United States Army, Washington, D. C.; but if not applied for within six weeks after arrival at port in the United States the remains will be buried in a national cemetery and thereafter will not be disinterred and shipped home at public expense; also that inquiries concerning the pay and effects of deceased officers and soldiers should be addressed to the Adjutant-General, United States Army, Washington, D. C.

96. If there be no legal representatives present to receive the effects, a list of them will be sent to the nearest relative of the deceased. At the end of two months, if not called for, they will be sold at auction and accounted for as in the case of deceased soldiers, except that swords, watches, trinkets, and similar articles will be labeled with the name, rank, regiment, and date of death of the owner and sent through the Adjutant-General to the Auditor for the War Department for the benefit of the heirs.

97. On the death of an officer in charge of public property or funds his commanding officer will appoint a board of survey, which will inventory the same and make the customary returns therefor, stating accurately amounts and condition. These the commanding officer will forward to the chiefs of the bureaus to which the property or funds pertain, and he will designate an officer to take charge of such property or funds until orders in the case are received from the proper authority.

98. Cash in the hands of a deceased officer may be invoiced by a board of survey appointed under paragraph 97 of the Regulations to the deceased officer's successor, but balances to his credit with the Treasurer, an assistant treasurer, a designated depository, or a fiscal agent of the United States, over and above his outstanding checks, will be covered into the Treasury of the United States by the chiefs of bureaus when the board of survey has reported to the bureaus the balances over and above such checks. A deceased officer's successor will not endeavor to secure the transfer to himself of the deceased officer's balances with the Treasurer, assistant treasurer, designated depository, or fiscal agent, but will make requisition upon the proper authorities for such funds as he may need.

99. The remains of officers killed in action, or who die when on duty in the field or at military posts, or when traveling under orders, will be inclosed in coffins, and, unless claimed by relatives or friends, will be transported by the Quartermaster's Department to the nearest military post or national cemetery, or, if so desired by their relatives, to their homes for burial. The expense of transporting the remains is payable from the appropriation for Army transportation or from funds specially appropriated for that purpose. Other expenses of burial are limited to $75, and will be restricted to the cost of the casket, hire of hearse, and the reasonable and necessary expenses of preparing the remains for burial. If buried at the place of death, the fact will be reported to the Adjutant-General of the Army.

ARTICLE XV.

The Post Noncommissioned Staff.

100. The post noncommissioned staff consists of ordnance, post commissary, post quartermaster, and electrician sergeants. They are appointed by the Secretary of War, after due examination, from sergeants in the line of the Army; ordnance sergeants from those who have served at least eight years in the Army, including four years as noncommissioned officers, and who are less than 45 years of age; commissary sergeants from those who have served five years in the Army, including three years as noncommissioned officers; post quartermaster sergeants from those who have served four years in the Army; electrician sergeants, as a rule, from those who have served three years in the Army and about one-third of that time as noncommissioned officers, exceptions being made only in cases of particularly well-equipped applicants from civil life.

101. An application for appointment must be in the handwriting of the applicant, and will briefly state the length and nature of his military service, and for what time and in what organizations he has served as a noncommissioned officer. The company commander will indorse thereon the character of the applicant and his opinion as to his intelligence and fitness for the position. The application so indorsed will be submitted to the regimental or artillery corps commander, who will forward the same, with his remarks as to the merits of the applicant, to the Adjutant-General of the Army.

102. While the law contemplates in these appointments the better preservation of public property at the several posts, there is also a further consideration—that of offering a reward to faithful and well-tried sergeants, thus giving encouragement to deserving soldiers to hope for substantial promotion. Colonels and captains can not be too particular in investigating and reporting upon the character and qualifications of applicants.

103. Before the applicant is appointed he will be examined by a board of officers convened for the purpose by the department commander under orders from the Secretary of War. The scope of the examination is set forth in paragraph 105, modifications therein will be announced in orders, from time to time, by the Adjutant-General of the Army.

104. Preliminary to the examination by the board, the applicant will be examined by a medical officer, to determine whether he is physically fitted to perform all duties incident to the position sought.

105. The examining board will inquire into, and report upon, the age, character, service, and physical condition of the applicant; upon his education, clerical proficiency, and general fitness to perform the duties of the position sought; upon his knowledge of Army Regulations and the regulations of the department which he seeks to enter.

106. Before assignment to posts, ordnance sergeants will be sent to arsenals, when practicable, for temporary duty and instruction.

107. The stations of post noncommissioned staff officers will be designated by the Secretary of War.

108. A sergeant of the post noncommissioned staff will assist the officer of his department, and will not be detailed upon any service that will interfere therewith. If the necessities of the service require such detail, the post commander will note the fact, with reasons therefor, on the sergeant's monthly personal report.

109. A sergeant of the post noncommissioned staff at an ungarrisoned post or station will be responsible for the property of his own department, and for such other property as may be intrusted to him for safe-keeping. For all public property committed to his charge he will account to the heads of the staff departments concerned, and if the means at his disposal are insufficient for its preservation, he will report the facts.

110. The men selected for appointment as electrician sergeants must not only have the requisite technical ability, but should, as a rule, be trained soldiers of good habits and have some knowledge of property responsibility. Applications of enlisted men will be forwarded through military channels, and, as far as practicable, after appointment they will be assigned to posts where serving. They will be examined, in accordance with paragraphs 103, 104, and 105 of these Regulations, at one of the principal seacoast artillery stations where electrical and power plants and apparatus are available, by a board of artillery officers, one member, at least, of which should have practical knowledge of electricity, electrical instruments, machinery, and power plants. The examination will be practical in character, and will include in its scope the operation of oil and steam engines, dynamos, and motors, the general subject of electrical wiring, the use of electrical instruments and apparatus, and such other instruments and appliances as are ordinarily found at an artillery post when properly equipped for fire control. The examination may be either oral or written, but will be sufficiently thorough to determine the practical qualifications of the applicant for the duties of the post. The proceedings will be sent through military channels to the Adjutant-General of the Army for the action of the Secretary of War, by whom the appointments will be made. Before assignments to posts, electrician sergeants will, when practicable, be sent to Fort Monroe, Va., or some other well-equipped artillery post, for temporary duty and instruction. Changes in station of electrician sergeants will be made, upon recommendation of the chief of artillery by the Adjutant-General.

111. The military control of noncommissioned officers of the general staff serving at posts not occupied by troops is vested in the commander of the territorial department in which they are serving. All matters relating to them as soldiers subject to military command, as distinguished from the administrative duties imposed upon them by regulations and orders, will, except in cases of re-enlistment, be determined at department headquarters, where their descriptive lists and accounts of pay and clothing will be kept. When they are discharged a copy of the descriptive list, upon which will be noted the fact of discharge, with the date, place, and cause, and the character given on the discharge certificate, will be forwarded to the Adjutant-General of the Army.

112. Each sergeant of the post noncommissioned staff will make such personal reports as may be required by the head of the staff department to which he belongs. The officer under whose orders he is serving will indorse on each report his opinion of the manner in which the sergeant has performed his duties, and the post commander will forward the report direct to the chief of bureau or, in the case of electrician sergeants, to the chief of artillery. If there be no troops at the post, the sergeant will forward the report direct to the Adjutant-General of the Army.

113. A sergeant of the post noncommissioned staff may be re-enlisted, provided he shall have conducted himself properly and performed his duties in a satisfactory manner. If, however, his commanding officer shall not think it proper to make the re-enlistment, he will communicate his reasons to the Adjutant-General of the Army in time to receive the decision of the War Department before the sergeant's discharge. If serving at an ungarrisoned post, application for re-enlistment will be made by the sergeant to the Adjutant-General of the Army, through department headquarters. One of the duplicate re-enlistment papers will be forwarded to the Adjutant-General of the Army immediately upon the re-enlistment of the soldier; the other will be filed at the sergeant's station, if a garrisoned post, or if not, at the headquarters of the department in which he is serving.

114. Sergeants of the post noncommissioned staff, though liable to discharge for inefficiency or misconduct, will not be reduced.

ARTICLE XVI.

DETACHED SOLDIERS: DESCRIPTIVE LISTS.

115. Enlisted men detached from their companies will be provided with descriptive lists showing the pay due them, the condition of their clothing allowances, and all information necessary to the settlement of their accounts with the Government should they be discharged. When it can be avoided, the descriptive list will not be intrusted to the soldier, but to an officer or noncommissioned officer, under whose charge he may be serving, or it may be forwarded by mail. The immediate commanding officer will note upon the descriptive lists the date and result of the last vaccination of each soldier.

ARTICLE XVII.

FURLOUGHS TO SOLDIERS.

116. Furloughs in the prescribed form for periods of twenty days may be granted to enlisted men by commanding officers of posts, or by regimental commanders, if the companies to which they belong are under their control. A furlough will not be granted to a soldier about to be discharged; nor shall the number of enlisted men furloughed from any command exceed, at any time, five per centum of the enlisted strength present therewith.

117. Corps or department commanders may grant furloughs to enlisted men, sergeants of the post noncommissioned staff excepted, for two months, and the Commanding General of the Army for four months, or they may extend to such periods furloughs already granted. For a longer period than four months the authority of the Secretary of War is necessary. Permission to delay may be granted to enlisted men traveling under orders as authorized for furloughs. The conditions under which furloughs to soldiers on reenlistment are authorized will be announced from time to time in orders.

118. The commanding officer of a corps, or of a separate command in the field, may suspend the granting of furloughs in any or all organizations within his command whenever, in his opinion, circumstances may render it necessary, or advisable, or for the best interests of the service.

119. Furloughs to sergeants of the post noncommissioned staff, or to enlisted men acting as such, may be granted as follows: By a post commander for seven days in case of emergency only; by a department commander for one month. Application for furlough for a longer period will be forwarded to the Adjutant-General of the Army for the decision of the Secretary of War.

120. Furloughs will not be granted by commanding officers permitting soldiers to go beyond the limits of the next higher command. To enable them to pass such

limits the sanction of higher authority must be obtained and indorsed on the furloughs. The approval of the Secretary of War must be obtained to allow an enlisted man on furlough to leave the United States. The limits prescribed will be stated in the furlough, and if exceeded, it may be revoked and the soldier arrested. A company commander in forwarding an application for furlough will state previous absences on furlough, and the authority therefor. The authority under which a furlough is granted (whether under Army Regulations or in pursuance of the orders of a superior) should be cited on the face of the furlough by the officer granting it.

121. On the application of a soldier on furlough, made at the nearest military station and showing clearly the urgency of his case, a department commander may order transportation and subsistence to be furnished to enable him to rejoin his proper station, and the company commander will charge the cost thereof against the soldier's pay on the next muster and pay rolls, in accordance with paragraphs 1203 and 1422. The date of the application will be entered on the furlough.

122. Furloughs granted to enlisted men serving in Cuba, Porto Rico, Hawaii, Guam, the Philippine Islands, the Department of Alaska, or at any station beyond the limits of the United States, for the purpose of returning to this country, will take effect on the dates they reach the United States, which will be indorsed on the furloughs by the transport commissaries. The furloughs will direct the soldier to report for duty at the close of the last day thereof at the military post nearest the particular home port from which transports usually sail for the islands or stations above referred to, and the commanding officers of these posts will assign such enlisted men to organizations under their command for the purpose of subsistence during the time they are detained at their posts, and they will be returned to their proper stations by the first available transport. Commanding officers will cause notation to be made on the furloughs showing the dates when the men report at their posts, and at the proper time will issue the necessary orders directing them to rejoin their stations, reciting therein the date of their arrival in the United States, date of reporting at post, and whether or not commutation of rations has been paid. A copy of the order will be furnished to the soldier and to the commanding officers concerned.

The commissary of the transport on which these enlisted men return will indorse on such orders the dates during which they were subsisted aboard the transport. The order will be retained by the enlisted man, who will deliver it to his commanding officer as evidence of his authority to be absent from his post during the time required for travel in rejoining the same.

123. When the station of an enlisted man is changed while he is on furlough, he will, on joining his new station, be entitled to travel allowances for the excess of distance from the place of receipt of the order to the new station, provided the distance is greater than that from the old to the new station. A soldier who has returned to the station from which furloughed, his company having changed station during his absence, is entitled to transportation at the expense of the Government from the old to the new station of his company. Charges for transportation furnished to enlisted men on furlough, in pursuance of paragraph 110, will be adjusted in accordance with the requirements of this regulation.

124. Soldiers on furlough will not take with them their arms or accouterments, and no payments will be made to them without authority from the Secretary of War.

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ARTICLE XVIII.

TRANSFER OF ENLISTED MEN.

125. Transfers of enlisted men will be made for cogent reasons only. They will be effected as follows:

1. From one company to another of the same regiment, not involving change of station, by the colonel. In cases involving change, then by the colonel with the consent of the department commander, if change of station is within department limits.

2. From one regiment to another, and between companies of the same regiment serving in different military departments, by the Commanding General of the Army.

3. In all other cases, by the Secretary of War.

126. A transfer will take effect on the date of the receipt of the order at the post where the soldier is serving and a descriptive list and account of pay and clothing showing that date will be forwarded to the commanding officer of the company or detachment to which the soldier is transferred. The actual date of transfer will be stated on the roll upon which the soldier is first paid after transfer.

ARTICLE XIX.

DESERTERS.

127. When a soldier deserts, a board of survey will be called by the post or regimental commander to ascertain whether he has lost or abstracted any articles of Government property; and if so, to determine the money value of the same. The value of the articles thus found to be missing will be charged against the deserter on the next muster rolls of his company, which will be accompanied by a copy of the board's report. A copy of so much of the proceedings as relate to the property charged on any roll will accompany the return to which the property pertains.

128. Deserters received at recruiting stations, if physically fit for service, will be sent at once to such military post as the commander of the department in which the arrest or delivery is made may designate; provided, however, that recruit deserters and deserters physically disqualified for service will be held at the recruiting stations, and direct telegraphic report made to the Adjutant-General of the Army with request for instructions. The necessary transportation will be furnished by the Quartermaster's Department.

129. Soldiers deserting from, and deserters received at a post other than the station of the companies or detachments to which they belong will be reported by the commanding officer of such post to the commanding officers of their companies or detachments.

130. When a report is received of the apprehension or surrender of a deserter at a post other than the station of his company, his company commander will immediately forward his descriptive list and account of pay and clothing to the officer making the report.

131. When a deserter surrenders or is delivered at a military post the post commander will cause immediate inquiry to be made in regard to dates of enlistment and desertion, and if these indicate that trial is barred by law, and the deserter claims to have been within the limits of the United States during two years of his absence in desertion and there is no attainable evidence in disproof thereof, will require him to file an affidavit asserting his claim, will immediately set him at liberty with instructions to apply by letter to the Adjutant-General of the Army for a "deserter's release," and will then report his action to the Adjutant-General of the Army, transmitting with the report the affidavit above mentioned.

132. An enlisted man apprehended or surrendering as a deserter, and whose trial for desertion is not barred by the statute of limitations, will be examined by a medical officer at the post where he is received, and a report of this examination will be forwarded to department headquarters. If, on account of disease, age, or other permanent disability, the man is found unfit for service, the report, with the department commander's recommendation thereon, will be forwarded to the Adjutant-General of the Army. If the examination shows that the man is fit for service, the department commander will bring him to trial, or restore him to duty without trial, as the interests of the Government may dictate.

133. Whenever a desertion occurs at a post, the commanding officer will cause a number of descriptive lists of the deserter to be prepared on the special form prescribed. Copies of this list will be sent at once to such marshals, sheriffs, and police officers as the commanding officer may deem proper; also to the officer in charge of any recruiting station at or near the deserter's place of enlistment, who will distribute them to the best advantage among civil officers in that vicinity authorized by existing law to summarily arrest deserters from the Army.

134. A post commander will promptly notify the surgeon of every desertion from his command, giving the full name, company, and regiment of the deserter, with dates of enlistment and desertion, and the surgeon will at once report the case to the Surgeon-General direct. When there is no surgeon on duty at the post, the post commander will make the report to the Surgeon-General. Blanks for this purpose will be furnished by the Medical Department.

135. A reward of $30 will be paid to any civil officer having authority for the apprehension and delivery to the proper military authorities at a military station (or at some convenient point as near thereto as may be agreed upon) of any deserter from the military service, except such as can claim exemption from trial under the statute of limitations, and such officer will also be reimbursed for actual cost of tickets over the shortest usually traveled route for himself to and from such station or point and for the deserter to such station or point not to exceed $20. The reward and actual cost of tickets will be paid by the Quartermaster's Department, and will be in full satisfaction of all expenses for arresting, keeping, and delivering the deserter. The payment will be reported to the commander of a company or detachment to which the deserter belongs.

136. When enlisted men are sent in pursuit of a deserter, the expenses necessarily incurred will be paid whether he be apprehended or not, and will be reported as in payment of rewards. Should a written order be issued for this duty and a transportation request be furnished the party in pursuit, the name, rank, company, and regiment of the deserter will be stated in the order and also noted on the request.

137. Rewards or expenses paid for apprehending a deserter, and the expenses incurred in transporting him from point of apprehension, delivery, or surrender to the station of his company or detachment, or to the place of his trial, including the cost of transportation of the guard, will be set against his pay upon conviction of desertion by a court-martial, or upon his restoration to duty without trial. A soldier convicted by a court-martial of absence without leave will be charged with the expense incurred in transporting him to his proper station. The transportation and subsistence of witnesses will not be charged against a deserter.

138. If a soldier be brought to trial under a charge of desertion and acquitted, or convicted of absence without leave only, or if the sentence be disapproved by proper authority, any amount paid as a reward for his arrest will not be stopped against his pay unless, in case of conviction of absence without leave, the sentence of the court shall so direct.

139. A reward of $10 will be paid by the Quartermaster's Department for the capture and delivery at any military post of an escaped general prisoner. This amount will be in full for all expenses incurred in capture and delivery. The pay-

ment will be reported to the commanding officer of the post from which the prisoner escaped, and this officer will inform the Adjutant-General of the Army of the date of escape and the date and place of capture.

140. Deserters will be brought to trial with the least practicable delay. While awaiting trial they will receive no pay, nor will they be permitted to sign pay rolls, and will be required to wear the clothes worn at the time of arrest, unless it should be imperative to issue other clothing, when, as far as practicable, only deserters' or other unserviceable clothing will be issued.

141. The clothing abandoned by a deserter will be turned over to the quartermaster, with a certificate from the company or detachment commander showing its condition and the name of the deserter to whom it belonged. In no case should the money or proceeds of the sale of effects of a deserter be turned over to his relatives, nor any payment made therefrom by an officer on any account whatsoever. All other personal effects of a deserter will be disposed of as in the case of unclaimed effects of deceased soldiers; i. e., they are to be sold by a council of administration and the proceeds of the sale deposited with a paymaster. Money received from a paymaster for a soldier who deserts after signing the pay rolls, will be turned over at once to a paymaster as undrawn forfeited pay.

The paymaster's receipt for the money deposited as above should clearly specify the nature of the deposit—i. e., whether for the proceeds of sale of effects, or whether for the undrawn pay of a soldier who has deserted—and the officer responsible should furnish the paymaster with the necessary information. There is no authority for officers to pay the debts of deserters. Money or other valuables found upon an apprehended deserter are his personal property and will not be turned over to a paymaster.

142. A deserter will make good the time lost by desertion, unless discharged by competent authority. He will be considered again in service upon his return to military control; but if a deserter enlists while in desertion, his services under such unlawful enlistment will not be counted as making good any of the time lost by desertion.

143. A deserter will not be restored to duty without trial except by authority competent to order his trial; such restoration being ordered only in case the desertion is admitted does not remove the charge of desertion or relieve the soldier from any of the forfeitures attached to that offense; he must make good the time lost by desertion, refund the reward and expenses paid for apprehension and delivery, and forfeit pay while absent. The same authority is competent to set aside a charge of desertion as having been erroneously made, and his order to this effect operates to remove the charge of desertion and all stoppages and forfeitures arising therefrom.

144. An enlisted man who absents himself from his post or company without authority will forfeit all pay and allowances accruing during such absence, and upon conviction by court-martial make good the time lost. No man will be reported a deserter until after the expiration of ten days (should he remain away that length of time), unless the company commander has conclusive evidence of the absentee's intention not to return; but commanding officers will take steps to apprehend soldiers absent without leave as soon as that fact is reported. Should the soldier not return, or not be apprehended, within the time named, his desertion will date from the commencement of the unauthorized absence. An absence without leave of less than one day will not be noted upon the muster rolls.

145. Soldiers not charged with crime, discovered to be deserters from the Navy or Marine Corps, will be dropped from the rolls of the Army. In such cases, reports with descriptive lists will be forwarded to the Adjutant-General of the Army by the proper commanding officer, who will hold the men in confinement without pay, awaiting instructions regarding their disposition. Deserters from the Navy will not be received at military posts.

ARTICLE XX.

RETIREMENT OF ENLISTED MEN.

146. When an enlisted man shall have served as such for thirty years, either in the Army or the Marine Corps and the Army, he may apply to the Adjutant-General of the Army for retirement. Upon the approval of the application an order will be issued from the Adjutant-General's Office transferring him to the retired list and directing that transportation in kind to his home and commutation of subsistence during necessary travel be given him. Length of war service with the Army in the field, or with the Navy or Marine Corps in active service (either as volunteer or regular) during the war of the rebellion, and actual service in Cuba, Porto Rico, and the Philippine Islands, will be doubled in computing the thirty years necessary to entitle him to be retired. In the computation of war service and service in Cuba, Porto Rico, and the Philippine Islands service as a commissioned officer and enlisted man will be counted.

147. Upon receipt of the order for retirement, the soldier's immediate commanding officer will furnish him with final statements, closing his accounts of pay, deposits, and all allowances other than those of travel, as of the date of the receipt of the order; he will forward to the Adjutant-General of the Army a descriptive list (in duplicate), noting thereon the fact that final statements have been given, the reenlistment or the continuous-service pay per month for which the soldier was last mustered, and his post-office address for the next thirty days. The descriptive list will bear the soldier's signature, or, if he can not write, a statement to that effect. The final statements and descriptive lists must state the date to which subsistence has been furnished, also whether subsistence while traveling home has been furnished, and, if so, for what dates. A discharge certificate will not be given, but the soldier will be dropped from the rolls of his command with appropriate explanatory remarks. The Pay Department will be notified and furnished with the soldier's signature, as in case of discharge.

148. On the last day of every calendar month each retired enlisted man will report to the Adjutant-General of the Army his post-office address. Blank forms for personal reports and pay accounts, with official penalty envelopes, will be furnished retired enlisted men upon application to the Adjutant-General of the Army.

149. The authorized pay and allowances of retired enlisted men will be paid them monthly by the Pay Department. Their pay will be three-fourths of the monthly pay allowed them by law in the grade held when retired, including reenlisted and continuous-service pay then received. No deduction will be made except the monthly tax of 12½ cents for support of the Soldiers' Home. They are not entitled to commutation for fuel or quarters, but will receive commutation for subsistence and clothing as follows:

For subsistence.—At the rate of 22½ cents per day.

For clothing.—Three-fourths of the average annual allowance prescribed in orders for an entire enlistment in the grade from which retired, one-twelfth of such amount to be paid monthly. The allowance of clothing to chief musicians is the same as that to quartermaster-sergeants.

150. The Adjutant-General of the Army will furnish a descriptive list to each enlisted man on the retired list, who will forward the same at the end of each calendar month, with pay accounts signed in duplicate, to such paymaster as the chief paymaster of the department in which the soldier resides may designate. The paymaster will note the fact of payment on the descriptive list. If the soldier can not write, his mark should be witnessed by a commissioned officer, if practicable; otherwise by some well-known person, preferably the postmaster of his place of residence.

ARTICLE XXI.

Discharges. Certificates of Disability.

DISCHARGES AND FINAL STATEMENTS.

151. An enlisted man will not be discharged before the expiration of his term except:

1. By order of the President or Secretary of War.

2. By sentence of a general court-martial.

3. On certificate of disability, by direction of the commander of a territorial department or army in the field; but when the disability of a soldier is caused by disease contracted before enlistment, or by his own misconduct or bad habits, discharge will be ordered only by the Secretary of War.

The commander of a territorial department or army in the field, after thoroughly investigating cases of soldiers recommended for discharge on account of disease contracted before enlistment or by their own misconduct or bad habits, is authorized to issue orders in the name of the Secretary of War for the discharge of such enlisted men after determining each case on its merits.

4. In compliance with an order of one of the United States courts, or a justice or a judge thereof, on a writ of habeas corpus.

152. When an enlisted man is discharged, his company commander will furnish him with final statements in duplicate or a full statement in writing of the reasons why such final statements are not furnished. If the soldier is discharged within the first five years' term of enlistment, the year in which he was serving at date of discharge will be noted; if a period of five years' continuous service has been completed, the following notation will be made on the final statements by the officer issuing the same: "Completed five years' continuous service ———, 190–; had ——— years ——— months' prior service." Final statements will not be furnished a soldier who has forfeited all pay and allowances and has no deposits due him. When the discharge is made on certificate of disability, the ascertained disability, as recited in the certificate, must be given in the final statements as the reason or cause for discharge.

153. Whenever an enlisted man is discharged from the Army prior to the expiration of his term of service the actual cause of discharge will be stated in the order directing the same and noted on the final statements. Officers signing final statements will be careful to see that these notations are made in all cases, as the cause of discharge determines the soldier's right to travel allowances, and the mere quotation of the number and date of the order upon which discharge is based is insufficient as a guide to proper payment.

154. When an enlisted man is discharged by expiration of service his discharge will take effect on the last day thereof; i. e., if enlisted on the second day of the month his term will expire on the first day of the same month in the last year of his term of enlistment.

155. Discharge certificates will not be made in duplicate. Upon satisfactory proof of the loss of a discharge, or of its destruction without the fault of the party entitled to it, the War Department may issue to such party a certificate of service, showing date of enlistment in and discharge from the Army and character given on discharge certificate. Discharge certificates must not be forwarded to the War Department in correspondence unless called for.

156. In time of peace, a soldier serving in the second year or first six months of the third year of his first enlistment may apply to the Adjutant-General of the Army through military channels, for the privilege of purchasing his discharge, but such application will not be entertained unless based on satisfactory reasons fully set forth by the applicant and verified by the officer forwarding the application, nor unless

accompanied by a statement of the soldier's immediate commanding officer showing the condition of his accounts. If such application be granted, the purchase price will be entered on the final statements as an item due the United States. A soldier once discharged by purchase will not be granted that favor a second time. A soldier serving in a second or any other enlistment, but not receiving continuous service or reenlisted pay, is not debarred from discharge by purchase. The price of purchase in the first month of the second year will be $120, and will be $5 less in each succeeding month of the period during which purchase may be authorized.

157. Enlisted men who have served meritoriously twelve years or more, continuously or otherwise, will be classified as veteran soldiers. If it be for their material benefit, discharge may be granted them by the Secretary of War by way of favor as veterans. A soldier once discharged as a veteran will not be discharged again by way of favor.

158. Soldiers discharged as provided in paragraphs 156 and 157 will not receive travel allowances.

159. An enlisted man a resident of the United States serving in Cuba, Porto Rico, Hawaii, Guam, or the Philippine Islands, who is discharged the service in those islands by transfer to another branch of the service; or on his own application, whether by way of favor or by purchase; or because of confinement by the civil authorities; or by way of punishment for an offense or for disability caused by his own misconduct; or on account of fraudulent enlistment, is, by the operation of section 1290, Revised Statutes, and the act of March 16, 1896 (29 Stat. L., 63), prevented from being allowed the usual traveling allowances to the place of his enlistment, enrollment, or original muster into the service, but he will be brought by the Government to the United States on a transport free of charge: *Provided*, That an enlisted man discharged because of confinement by civil authorities, or by way of punishment for an offense, or for disability caused by his own misconduct, shall be required to leave the islands by the first transport departing for the United States or forfeit the privilege of being sent to the United States at the expense of the Government.

160. An enlisted man who desires to procure his discharge from the United States service, by favor, should address a letter to the Adjutant-General of the Army, accompanied by such corroborative data as he may possess, setting forth the reasons upon which he bases his application, and hand or mail it to his company commander, who in turn will forward it through the usual military channels, with recommendation and remark upon the interests of the service involved and the validity of the reasons advanced by the applicant. Applications which do not come forward in this manner will not be entertained. All applications must be forwarded to the Adjutant-General of the Army through intermediate commanders, who will approve or disapprove, as provided in paragraph 850, Army Regulations. Such communications, upon return to the commanding officer of the company, constitute a part of the company records and will not be delivered into the possession of the soldier, who will, however, be properly informed of the final action taken in the case.

161. Transcripts from records of civil courts need not accompany applications for discharge of enlisted men sentenced to imprisonment by such courts. The official statement of the company commander to that effect is sufficient.

162. The cause of discharge and the soldier's age at date of enlistment will be stated in the body of the discharge certificate. His character will be accurately described at the bottom of the certificate, but if not sufficiently good to allow of his reenlistment, the words "No objection to his reenlistment is known to exist" will be erased. The words "Service honest and faithful," or "Service not honest and faithful," as the case may be, will be entered under "Remarks" in the military record on the back of the discharge certificate, and will also be noted on the final

statements. The company commander will, before submitting the discharge certificate to the proper officer for signature, inform the soldier of the character he intends to give him. Should the soldier feel that injustice will be done him thereby, he may at once apply for redress to the post commander, who will immediately convene a board of officers to determine the facts in the case, and will briefly note the finding of the board, if approved by him, on the discharge certificate. But in all cases where the company commander deems a soldier's services unfaithful, he should, whenever practicable, notify the soldier at least thirty days prior to discharge of the character which he intends to give, in order that the soldier may have ample opportunity to apply for, and be heard before the board. In such cases the proceedings of the board, showing all the facts pertinent to the inquiry, with the views of the intermediate commanders indorsed thereon, will be transmitted for the consideration and action of the War Department. This board may be called upon the application of the post or company commander, and if by the former the department commander shall appoint it. The character given by the company commander, also the character found by the board, will be noted on the muster roll. If upon due notification, in the manner hereinbefore provided, of the character intended to be given him on his discharge, and that the words "Service not honest and faithful" are to be noted on his final statements, the soldier expressly waives his right to apply for redress or declines to avail himself of the remedy herein provided, his status is the same as though a board of officers had been convened and found the service not honest and faithful. Following the remark on final statements, "Service not honest and faithful," should appear the words "Right to apply for redress expressly waived," or, "Approved finding of a board of officers," as the case may be. In the absence of the conditions above set forth, the soldier is entitled to the remark on his final statements, "Service honest and faithful." The officer who prepares the discharge will state thereon whether the man is married or unmarried, the number of his minor children, and, if discharged from a reenlistment, the number thereof.

163. The discharge of a soldier takes effect on the date of notice to him of such discharge, either actual, by delivery of the certificate of discharge, or constructive, as where such delivery can not be made owing to his absence through his own fault, in which case the receipt of the discharge at his proper station will be deemed sufficient notice. The date of discharge on the final statements must be the same as that on the discharge certificate.

164. In order that a soldier on his reenlistment or reentry into the service may be correctly mustered for increase of pay for former service, his commanding officer upon the discharge of the soldier will place on his discharge certificate upon the line for "Previous service," and in lieu of dates of enlistment and discharge therefrom, the following remark: "Serving in the ——— year of continuous service since ———, 19—"

165. If a soldier be discharged while absent from his company, the date, place, and cause thereof will be reported to his company commander by the officer giving the discharge, and this report will be accompanied by a complete descriptive list.

166. In order to prevent payment on fraudulent discharge papers, the officer who prepares the final statements of a soldier will, shortly before his discharge, and at least one day before the discharge takes effect, send by mail to the paymaster to whom the soldier may wish to apply for payment a notification, in his own handwriting, stating therein the date of last payment to the soldier and his credits and debits, both in words and figures. The officer will also send the soldier's signature, or will report that the soldier can not write his name. This notification will not be given to the soldier, but will be sent by mail, so as to reach the paymaster before the soldier can report for payment. The officer issuing the final statements will inform

the discharged soldier, in writing, of the name and location of the paymaster to whom he shall apply for payment, and at the same time send the required notification to the designated paymaster. This notification will be in the following form:

Notification of Discharge.

(To be in the handwriting of the officer in every case.)

Major ——, Paymaster, U. S. Army,

—— ——.

SIR: I have the honor to advise you that Private —— —— will be discharged the service of the United States on ——, 1898, by reason of —— ——." (Here state the reason.)

The soldier was last paid to ——, 1898, and has pay due him from that date to date of discharge.

There is due him for clothing not drawn in kind, $—— (or, He is indebted to the United States for clothing overdrawn, $——. He is indebted to the United States for C. & G. E., $——. For court-martial forfeiture, $——).

The soldier is (or is not, as the case may be) entitled to traveling allowances.

His signature appears below.

Soldier's signature, —— ——.

Very respectfully,

—— ——,

Com'g Co. ——, *Regt.* —— *Vols.*

It should be borne in mind that overpayments caused by erroneous final statements will be charged against the officer who signed the final statements.

167. Blank forms for discharge and final statements will be furnished by the Adjutant-General of the Army, and will be retained in the personal custody of company commanders; those for discharge will be of three classes: For honorable and for dishonorable discharge, and for discharge without honor. They will be used as follows:

1. The parchment discharge blank for honorable discharge only, and the word "honorably" will be interlined in the old blanks when used.

2. The blank for dishonorable discharge, for such discharge alone.

3. The blank for discharge without honor when a soldier is discharged:

(*a*) Without trial, on account of fraudulent enlistment.

(*b*) Without trial, on account of having become disqualified for service, physically or in character, through his own fault.

(*c*) On account of imprisonment under sentence of a civil court.

(*d*) On account of being, at the expiration of his term of enlistment, in confinement under the sentence of a general court-martial which does not provide for dishonorable discharge.

(*e*) When discharge without honor is specially ordered by the Secretary of War for any other reason.

168. A dishonorable discharge from the service is a complete expulsion from the Army, and covers all unexpired enlistments.

169. When a soldier is sentenced by court-martial to confinement, without dishonorable discharge, for a period extending beyond the expiration of his term of enlistment he will be discharged without honor on the date of the expiration of the term of enlistment, but will be held to serve out his sentence, the certificate of discharge being delivered to him on his release from confinement. When, however, a soldier's term of enlistment expires while he is waiting trial or sentence, he will be discharged (honorably, without honor, or dishonorably, according to circumstances) on the date of the receipt of an order publishing the case or otherwise disposing of it, and the discharge will be dated accordingly.

170. When transportation in kind is furnished a discharged soldier to enable him to reach a paymaster, the quartermaster will note on the final statements that "transportation in kind from —— to ——" has been furnished, stating the cost when it can be ascertained by him. If transportation be furnished to a soldier dischargep at the place of his enlistment to enable him to reach a paymaster, the cost thereof, which will be ascertained and noted on the final statements, will be deducted.

CERTIFICATES OF DISABILITY.

171. When an enlisted man is permanently unfitted for military service because of wounds or disease, he should, if practicable, be discharged on certificate of disability before the expiration of the term of service in which the disability was incurred. The certificate of disability will be prepared by the post surgeon and will be filled out in his handwriting. Blank forms will be furnished by the Adjutant-General of the Army, and the directions thereon will be strictly complied with.

172. When physical disability does not appear to be permanent, was incurred in line of duty, and benefit may be expected from a change of climate, a report of the case will be forwarded for the action of the Commanding General of the Army. The soldier will not be transferred to another company. In cases likely to be benefited by treatment in the Army and Navy General Hospital at Hot Springs, Ark., or the general hospital at Fort Bayard, N. Mex., the application required by the regulations for admission thereto will be made. A record of cases transferred under the foregoing provisions, with a report of results, will be forwarded to the Surgeon-General at the end of each calendar year.

173. When an application for discharge is approved, the post or regimental commander will furnish to the surgeon by whom the certificate was given, or to the senior surgeon of the command to which the soldier was attached at the time of his discharge, a letter setting forth the full name and rank of the soldier, the company and regiment to which he belonged, the date of discharge, and the cause thereof as stated in the certificate. The surgeon, having made a true copy of the letter for the completion of his own records, will forward the original to the Surgeon-General direct.

174. When there is a probable case for pension, special care will be taken to state in the certificate the degree of disability, to describe particularly the disability, wound, or disease, the extent to which it deprives the soldier of the use of any limb or faculty, or affects his health, strength, activity, constitution, or capacity to labor. If such disability was incurred in the line of duty, and the soldier declined treatment for the relief of such disability where treatment was directed, that fact will be set forth in the certificate for the information of the Pension Office.

ARTICLE XXII.

DECEASED SOLDIERS.

175. When a soldier is killed in action or dies at any post, hospital, or station, it shall be the duty of his immediate commander to secure his effects and to prepare the inventory required by the 126th Article of War, according to prescribed form, and to notify nearest relative of the fact of death. Duplicates of the inventory, with final statements, will be forwarded direct to the Adjutant-General of the Army.

176. Officers charged with the care and custody of the effects of deceased soldiers are required, under the provisions of the 127th Article of War, to deliver the same, or the net proceeds thereof, to the legal representatives of the deceased. Should the effects of a deceased soldier not be claimed within 30 days, they will be sold by a council of administration under the authority of the post commander, and the proceeds transferred to the commander of the company to which the deceased belonged, by whom they will be deposited with a paymaster to the credit of the United States. Duplicate receipts will be taken, one of which will be sent direct to the Adjutant-General of the Army and the other retained with the company records. The paymaster's receipt for the money deposited as above will clearly specify the nature of the deposit—i. e., whether for the proceeds of the sale of the effects or whether for the undrawn pay of a soldier who has died—and the officer responsible will furnish the paymaster with the necessary information. There is no authority for officers to pay the debts of deceased soldiers.

177. In all cases of sale by a council of administration a detailed statement of the proceeds, duly certified by the council and commanding officer, will accompany the paymaster's receipt forwarded by the company commander to the Adjutant-General of the Army. The statement will be indorsed: "Report of the proceeds of the effects of ——— ———, late of company ——, ———, regiment of ———, who died at ——— the —— day of ———, ———."

178. The effects will be delivered, when called for, to the legal representatives of the deceased, and the receipts therefor forwarded to the Adjutant-General of the Army. Applications for arrears of pay and proceeds of sale of effects of deceased soldiers should be addressed to the Auditor of the Treasury for the War Department, Washington, D. C., who settles such accounts.

179. The accounts of deceased soldiers are settled by the Auditor of the Treasury for the War Department, and the following is the order of relative heirship adopted by the Treasury Department, viz: (1) widow, (2) children, in equal share, (3) father, (4) mother, (5) brothers and sisters, in equal share. Officers are advised that, in the cases of single men, it is a safe rule to dispose of the effects as prescribed in paragraph 176 of these Regulations, and leave the responsibility of determining the heirship to the Treasury Department.

180. The remains of deceased soldiers will be inclosed in coffins and transported by the Quartermaster's Department to the nearest military post or national cemetery, or, if so desired by their relatives, to their homes for burial, unless the commanding officer deems burial at place of death to be proper, when a full report of the facts and reasons will be made to the Adjutant-General of the Army. The expense of transporting the remains is payable from the appropriation for Army transportation, or from funds specially appropriated for that purpose. The cost of expense of burial, other than the cost of transportation, will be limited to $35 for each enlisted man, and will be restricted to the cost of the casket, hire of a hearse, and the reasonable and necessary expenses of preparing the remains for burial.

ARTICLE XXIII.

Working Parties. Extra and Special Duty Men.

181. Troops will not be employed in labors that interfere with their military duties except in cases of necessity.

182. Enlisted men detailed to perform specific services which remove them temporarily from the ordinary duty roster of the organization to which they belong will be reported on extra duty if receiving increased compensation therefor, otherwise on special duty. They will not be placed on extra duty except as bakers or to perform the necessary routine services in the Quartermaster's and Subsistence Departments, without the sanction of the department commander, they will not be employed on extra duty in time of war, nor in time of peace for labor in camp or garrison which can properly be performed by fatigue parties. Allotments of funds for payment of extra-duty men at department headquarters and depots under the control of department commanders will only be made with the approval of the Secretary of War. Duty of a military character must be performed without extra compensation.

183. Enlisted men detailed by name on extra duty and employed, under competent authority, at constant labor for not less than ten days, are entitled, in time of peace, to receive extra-duty pay at the following rates: For services as mechanics, artisans, and school-teachers, 50 cents per day; as bakers, according to paragraph 337; as overseers, clerks, teamsters, laborers, and for all other extra-duty services, 35 cents per day. Enlisted men receiving or who are entitled to the 20 per cent increased pay under the acts of May 26, 1900 and March 2, 1900 are not entitled to extra-duty pay.

184. The detail of a noncommissioned officer on extra duty, other than that of overseer, will not be made except in cases of emergency without the prior approval of the department commander. A noncommissioned officer will not be detailed on any duty inconsistent with his rank and position in the military service.

185. Noncommissioned staff officers and enlisted men of the several staff departments will not be detailed on extra duty without authority from the Secretary of War. They are not entitled to extra-duty pay for services rendered in their respective departments.

186. Company artificers, farriers, blacksmiths, saddlers, and wagoners will not receive extra-duty pay unless detailed on extra duty in the Quartermaster's Department, wholly disconnected from their companies.

187. Soldiers on extra duty will be paid the extra rates of pay allowed by law for the duty performed, and for the exact number of days employed; and no greater number of men will be employed on extra duty at any time than can be paid the full legal rates for the time employed from the funds provided. Payments made in violation of the above rules will be charged against the officers who ordered the details.

188. Extra-duty men will attend the weekly and monthly inspections of their companies, and as many daily drills as practicable. Special-duty men, except noncommissioned officers in charge of barracks or stables, the cooks, and such clerks as are necessarily excused by commanding officers, will attend all drills and inspections.

189. Extra-duty men will be held to such hours of labor as may be expedient and necessary; but, except in case of urgent public necessity, as in military operations, eight hours will be considered a day's work. For all hours employed beyond that number, the soldier will receive additional compensation—the extra hours being computed as fractions of a day of eight hours' duration.

190. Details of enlisted men for extra and special duty will be limited to actual necessities, which will be determined by post commanders in accordance with limits published in orders from the War Department. Allotments to posts of funds for extra-duty pay are made by department commanders from allotments made to departments for the purpose, and must not be exceeded without special authority from department commanders.

ARTICLE XXIV.

SOLDIERS' HOME.

191. An honest and faithful service of twenty years in the Army entitles a soldier to admission to the Soldiers' Home, Washington, D. C.

192. When a soldier, by reason of long service, or disability contracted in the line of duty, desires to enter the Soldiers' Home, his company commander will so report, through military channels, to the Adjutant-General of the Army, giving all the details necessary for a full understanding of the case, including the date of each enlistment, with company and regiment. If the soldier be physically disabled, the report will be accompanied by certificates of disability. The papers will be referred to the Board of Commissioners of the Home, and if, in its opinion, the soldier is entitled to become an inmate, the necessary authority will be given for his discharge at the place where he is serving. He may then proceed to Washington and report to the Board of Commissioners for admission to the Home.

193. Transportation to the Home will not be furnished except by authority of the Secretary of War, on the application of the Board of Commissioners; and in such cases the officers who pay the accounts will be guided by the regulations governing the payment of accounts for transportation of persons procuring artificial

limbs, as prescribed in paragraphs 1672 to 1676, inclusive, except that the account will be referred to the Treasurer of the Soldiers' Home for repayment.

194. Commanding officers will not order the issue of clothing or subsistence to be repaid from the funds of the Home.

ARTICLE XXV.

Medals of Honor and Certificates of Merit.

195. Medals of honor, authorized by the act of Congress approved March 3, 1863, are awarded to officers and enlisted men in the name of the Congress for particular deeds of most distinguished gallantry in action.

1. In order that the Congressional medal of honor may be deserved, service must have been performed in action of such a conspicuous character as to clearly distinguish the man for gallantry and intrepidity above his comrades - service that involved extreme jeopardy of life or the performance of extraordinarily hazardous duty. Recommendations for the decoration will be judged by this standard of extraordinary merit, and incontestible proof of performance of the service will be exacted.

2. Soldiers of the Union have ever displayed bravery in battle, else victories could not have been gained; but as courage and self-sacrifice are the characteristics of every true soldier, such a badge of distinction as the Congressional medal is not to be expected as the reward of conduct that does not clearly distinguish the soldier above other men, whose bravery and gallantry have been proved in battle.

3. Recommendations for medals on account of services rendered in the Volunteer Army during the late war and in the Regular Army previous to January 1, 1890, will, if practicable, be submitted by some person other than the proposed recipient, one who is personally familiar with all the facts and circumstances claimed as justifying the award, but the application may be made by the one claiming to have earned the decoration, in which case it will be in the form of a deposition, reciting a narrative description of the distinguished service performed. If official records are relied on as evidence proving the personal service, the reports of the action must be submitted or cited; but if these records are lacking the testimony must embrace that of one or more eyewitnesses, who, under oath, describe specifically the act or acts they saw, wherein the person recommended or applying clearly distinguished himself above his fellows for most distinguished gallantry in action.

4. Recommendations for medals on account of service rendered subsequent to January 1, 1890, will be made by the commanding officer at the time of the action or by an officer or soldier having personal cognizance of the act for which the badge of honor is claimed, and the recommendation must be accompanied by a detailed recital of the circumstances, and by certificates of officers, or affidavits of enlisted men, who were eyewitnesses of the act. The testimony must, when practicable, embrace that of at least two eyewitnesses, and must describe specifically the act or acts by which the person in whose behalf the recommendation is made "most distinguished" himself, and the facts in the case must be further attested by the official reports of the action, record of events, muster rolls and returns, and descriptive lists.

5. In cases that may arise for services performed subsequent to June 30, 1897, recommendations for award of medals must be forwarded within one year after the performance of the act for which the award is claimed. Commanding officers will thoroughly investigate all cases of recommendations for Congressional Medals arising in their commands, and indorse their opinion upon the papers, which will be forwarded to the Adjutant-General of the Army through regular channels.

6. Medals of honor will not be awarded to officers or enlisted men except for distinguished bravery or conspicuous gallantry, which shall have been manifested in action by conduct that distinguishes a soldier above his comrades, and that involves

risk of life, or the performance of more than ordinarily hazardous duty. Recommendations for the award will be governed by this interpretation of extraordinary merit.

CERTIFICATES OF MERIT.

196. When any enlisted man of the Army shall have distinguished himself in the service, the President may grant him a certificate of merit, on the recommendation of the commanding officer of the regiment or chief of the corps to which such man belongs.

197. Recommendations for a certificate of merit must originate with an eyewitness, preferably the immediate commanding officer. Each case will be submitted separately, forwarded through the regular channels, and must be favorably indorsed by each commander.

198. Extra pay at the rate of $2 per month from the date of the distinguished service is allowed to each enlisted man to whom a certificate of merit is granted.

199. If the soldier be discharged before the certificate is issued, it will be retained in the Adjutant-General's Office until called for, when proof of the identity of the applicant will be required. Should he die before receiving his certificate, it will be deposited in the office of the Auditor for the War Department for the benefit of his heirs.

ARTICLE XXVI.

VETERINARIANS.

200. Veterinarians are appointed by the Secretary of War, subject to competitive examinations as to eligibility, capacity, and fitness. The scope and conditions of such examinations will be announced in orders from time to time by the Adjutant-General of the Army.

201. A veterinarian has the pay of a second-lieutenant, mounted, and is entitled to the same allowances in kind, of quarters, fuel, and lights.

202. It shall be the duty of the veterinarian to visit at least daily all sick or injured animals at his station, and to recommend such treatment as he may deem proper. He will have access to the stables at all times. Upon request he will attend such authorized private horses of mounted officers as may need his services.

203. The veterinarian will instruct company farriers in the proper care of the horse. In this he will give especial importance to the anatomy and pathology of the foot, showing the nature and uses of all its parts, illustrating the subject by dissections and specimens. He will also teach the principles and practice of horseshoeing. For the purpose indicated he will make such visits of instruction to companies or batteries of the regiment or organization, not at his station, as may be deemed necessary by the regimental or proper artillery commander.

204. Wherever four or more troops of cavalry or batteries of field artillery are stationed, a suitable building may be set apart as a veterinary hospital.

ARTICLE XXVII.

THE COMMANDING GENERAL OF THE ARMY.

205. The military establishment is under the orders of the Commanding General of the Amy in that which pertains to its discipline and military control. The fiscal affairs of the Army are conducted by the Secretary of War through the several staff departments.

206. All orders and instructions from the President or Secretary of War, relating to military operations or affecting the military control and discipline of the Army, will be promulgated through the Commanding General.

ARTICLE XXVIII.

TERRITORIAL DEPARTMENTS.

207. Territorial departments are established and their commanders assigned by direction of the President.

208. The commander of a department commands all the military forces of the Government within its limits, whether of the line or staff, which are not specially excepted from his control by the War Department. The Infantry and Cavalry School at Fort Leavenworth, Kans., and the Cavalry and Light Artillery School at Fort Riley, Kans., in matters pertaining to the courses of instruction; the Military Academy, the Artillery School, the United States Engineer School, the arsenals, the general depots of supply, the general service recruiting stations, such permanent fortifications as may be in process of construction or repair, and officers employed on special duty under the Secretary of War, are exempted from the supervision of department commanders. But when an emergency demands it, all military men and material within the limits of their jurisdiction come under their control.

209. Purchasing commissaries, officers on duty at general depots of supply, and others indicated in the preceding paragraph, whether reporting by letter to department commanders or not, are subject to their orders for court-martial or other duty in an emergency only; and officers on duty with the schools at Willetts Point, Fort Leavenworth, Fort Monroe, and Fort Riley will not be detached without the orders of the Secretary of War or the Commanding General of the Army.

210. A department commander is charged with the administration of all the military affairs of his department, and the execution of all orders from higher authority. He will report to the Commanding General of the Army all matters relating to the general welfare of his command, including such changes of station of troops as he may deem desirable, but will obtain the approval of the Commanding General of the Army before ordering the movement. If it be necessary to move troops to meet emergencies, such movements and all the circumstances will be reported at the earliest possible moment.

211. Each department commander will inspect the troops under his command at least once each year, and for this purpose he may be accompanied by one officer of his personal or the department staff. He will assure himself by personal examination and observation that all officers and men under his control are efficient in the performance of duty, that the troops are thoroughly drilled and instructed in their field duties and tactical exercises, that supplies are properly distributed, that proper care is exercised in the purchase and preservation of public property, and that strict economy is exercised in all public expenditures. In his annual report the results of these inspections will be summarized, and the condition and working of the batteries of position, torpedo systems and mine fields in the lake and seacoast defences will be reported. From time to time he will report, for the information of the Commanding General of the Army and the Secretary of War, the names of any and all officers

belonging to his command who are believed to be incompetent or permanently unable, from any cause, to perform all the duties of their several grades, both in garrison and in active service; he will also report any errors, irregularities, or abuses requiring the action of higher authority.

212. Department commanders are expected to determine controversies arising within the limits of their jurisdiction and decide questions referred to them on appeal.

213. In the event of the death, or disability, or temporary absence of the permanent commander of a territorial division or department from the limits of his command, the senior line officer present and on duty therein will exercise the command of the division or department, unless otherwise ordered, until relieved by proper authority. Although a division or department commander may continue to discharge the more important functions of his command while absent from its territorial limits, his exercise of command and his absence therefrom requires the sanction of higher authority. If intending to leave his headquarters for an absence within his division or department he will report to the next higher commander his intention, his address during his absence and the proposed duration thereof.

214. The personal staff of a department commander will consist of the authorized aids. The department staff will be limited to the officers detailed by the Secretary of War from appropriate staff departments or corps, or of officers of the line detailed by the same authority to act in their stead. Their official designations will be as follows: Adjutant-general, chief quartermaster, chief commissary, chief surgeon, chief paymaster, judge-advocate, and artillery inspector, the last appointed as prescribed in paragraph 409. When necessary, an engineer officer, an ordnance officer, and a signal officer, each detailed from his corps, will be assigned; but when any of these officers are not assigned, or when any department staff officer is temporarily absent or disabled, the duties of his position will be performed by other members of the department or personal staff. The chief quartermaster and chief commissary will each have charge of the depot of his department, at the place where headquarters are located, and will, when practicable, make purchases. The chief surgeon will, when practicable, perform the duty of attending surgeon. The chief paymaster will make a proportion of the payments in the command. The duties prescribed in Small Arms Firing Regulations for the inspector of small-arms practice will be performed by an aid or by the adjutant-general.

215. Funds for contingent expenses at department headquarters are allotted by the Secretary of War and placed to the credit of the adjutants-general. The amount allotted will be apportioned by the department commander to the officers of the staff corps serving at his headquarters as the interests of the service dictate, and the adjutant-general will make purchases and expenditures as those officers request, subject to the written approval of the department commander. Property so purchased will be taken up on the return of the adjutant-general and transferred to the staff officers concerned, who will give duplicate receipts therefor, and it will then be dropped from the return of the adjutant-general, who will file one set of receipts as retained vouchers and send the other to the respective chiefs of bureaus in which the staff officers are serving. On June 30 of each year all officers who have purchased or receipted for such property will make return therefor to the chiefs of their respective bureaus, to whose satisfaction expenditures, losses, etc., will be explained. An officer accountable for such property will take duplicate receipts therefor when relieved, and will forward one of them to the proper chief of bureau with the return which he will then render, and file the other with his retained papers.

ARTICLE XXIX.

Military Posts and Reservations.

POSTS.

216. Permanent military posts are established under the direction of the Secretary of War, by whom their names will be designated.

217. Permanent posts will be styled "Forts," and points occupied temporarily by troops "Camps."

218. The commander of a post is responsible for its safety and defense, and for the discipline, drill, and tactical instruction of his command, to which ends all other garrison duties will be made subservient. He will be responsible for the preservation and proper application of public property, for the strict enforcement of laws and regulations, and for the proper condition of quarters and defenses. He will make an inspection of his command on the last day of every month, will satisfy himself by frequent personal examination that the disbursements of all officers in charge of funds are in accordance with law and regulations and their accounts correctly stated, and will make such reports of these inspections and examinations as the department commander may direct.

219. The post commander and surgeon will make frequent visits during the month to the hospital, guard-house, mess hall, mess rooms, and other buildings and rooms used by enlisted men.

220. An orderly observance of the Sabbath by the officers and men in the military service is enjoined. Military duty and labor on Sunday will be reduced to the measure of strict necessity.

221. The staff of a post commander will consist of such staff officers as are on duty at the post, and such line officers as may be required for staff duties. Their official designations will be as follows: Adjutant, quartermaster, commissary, surgeon, assistant surgeon, engineer officer, ordnance officer, signal officer, and police officer. The official address of the senior medical officer at a post will be—

The Surgeon,
Fort ——— ———,

and in like manner the official addresses of the other staff officers of a post will be, respectively: The Adjutant, The Quartermaster, The Commissary, The Engineer Officer, The Ordnance Officer, and The Signal Officer, Fort ——— ———.

222. Expenditures of labor, money, or material upon posts will be strictly limited to the amounts allowed by law and regulations.

223. When practicable, temporary buildings for the use of the Army will be erected by its enlisted force, and necessary repairs of public buildings at garrisoned posts not appropriated for, or specially authorized, will be made by the troops.

224. In case of emergency when reference to higher authority is impracticable, department commanders may order the purchase of material and engagement of services necessary for the preservation of public buildings or property, not to exceed in amount $500 for any post, but no greater sum will be expended without the sanction of the Secretary of War.

225. Post commanders are authorized to assist mail contractors with Government transportation, provided it can be spared without detriment to the service, when, through accident or unavoidable casualty, they are deprived of the means necessary to fulfill their contracts. Such assistance must cease as soon as the contractor can, by exercise of proper diligence, resupply himself with transportation. Receipts for the property loaned will be taken, which in the event of its loss or damage will

be forwarded, with a report of facts, to the Adjutant-General of the Army, that the amount involved may be collected from the contractor through the Post-Office Department.

226. At posts supplied with ordnance and with ammunition for the purpose, a morning and evening gun will be fired daily at reveille and retreat.

Post Records.

227. The following books of record will be kept at each post: An order book, a letters-received book, an index book for letters received, a letters-sent book, an index book for letters sent, a post council of administration book, a post descriptive book, and a post clothing book, furnished by the Quartermaster's Department; a morning report book, and a guard report book, furnished by the Adjutant-General of the Army; a post exchange council book, provided by the post exchange. At posts with field batteries the Book of Artillery Record required by paragraph 408 will be kept; it will be supplied by the Ordnance Department. All copies of all returns and reports rendered, if not contained in the book of orders received, letters sent, all letters received which are not required to be returned; in fine, all official papers which relate to post administration, and which are required to be kept at the post, will be filed and preserved as a part of the post records. The records will not be removed from the post except on its discontinuance. Commanding officers will see that the records are accurately kept and are properly transferred to their successors.

RESERVATIONS.

228. Department commanders will supervise all military reservations within the limits of their commands, and, if necessary, will use force to remove trespassers. No license or permission to any civilian to use or occupy any part of a reservation will be given, except by the Secretary of War, unless he be in the employ of the Government, or in the family or service of persons there employed.

229. Military posts, stations, and reservations having been selected for occupation by the military forces, not only for immediate and temporary use, but in most cases for occupation so long as the Government shall exist, department and post commanders are required to see that every consideration is given to their care, preservation, and adornment. They will not only be made useful and healthful to the garrisons, but be made attractive homes for the Army by every means available for that purpose. Commanding officers will give this subject their earnest attention and will make requisitions for such appliances as may be necessary in order to carry out the purpose of this regulation.

The grounds, as far as practicable, will be improved by utilizing such material as may be available for the purpose. The shrubbery, trees, and forests on the reservation will be kept properly pruned, brush and unsightly trees removed, vines, fruit and ornamental trees planted and cultivated, and grounds properly ditched or drained. Live trees in the vicinity of the inhabited parts of a military reservation will not be cut down, except on the recommendation of the post council of administration, approved by the post and department commanders. Where reservations are of sufficient extent, and it is practicable, they will be stocked with game, and all native singing birds protected. Where required, requests will be made through the proper military channels to the War Department for supplies of seeds for grass, flowers, vines, fruit and ornamental trees.

230. Military posts temporarily evacuated by troops, and lands reserved for military use, will be under charge of the Quartermaster's Department. Permanent works of defense, however, and the lands appurtenant thereto, are under the supervision of the Engineer Department.

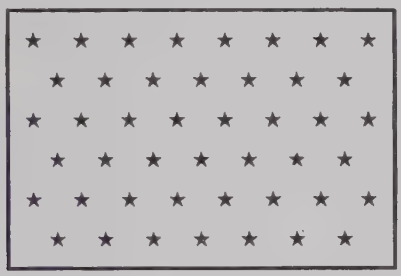
ARTICLE XXX.

FLAGS, COLORS, STANDARDS, AND GUIDONS.

FLAGS.

231. The flag of the United States has thirteen horizontal stripes, seven red and six white, the red and white stripes alternating, and the union of the flag consists of white stars in a blue field placed in the upper quarter next the staff, and extending to the lower edge of the fourth red stripe from the top. The number of stars is the same as the number of States in the Union. On the admission of a State into the Union, one star will be added to the union of the flag, and such addition will take effect on the 4th day of July next succeeding such admission.

232. The field or union of the national flag in use in the Army has, since July 4, 1896, consisted of forty-five stars, in six rows, the first, third, and fifth rows to have eight stars, and the second, fourth, and sixth rows seven stars each, in a blue field, arranged as follows:



233. The flag of the President shall be of scarlet bunting, measuring 13 feet fly and 8 feet hoist, having a hem on the hoist 3 inches wide and provided with an eyelet at each end for hoisting and lowering. In each of the four corners shall be a five-pointed white star with one point upward. The points of these stars lie in the circumference of an imaginary circle of five inches radius. The centers of these imaginary circles, which coincide with the centers of these stars, are 18 inches from the short sides and 14 inches from the long sides of the flag. In the center of the flag shall be a large fifth star, also of five points, which lie in the circumference of an imaginary circle of 2 feet 9 inches radius. The center of this circle is the point of intersection of the diagonals of the flag. The reentering angles of this large star lie in the circumference of an imaginary circle of 16 inches radius, with the same center as before. Inside of the star thus outlined is a parallel star, separated from it by a band of white 3 inches wide. This inner star forms a blue field upon which is the official coat of arms of the United States as determined by the State Department, the device being located by placing the middle point of the line dividing the chief from the paleways of the escutcheon upon the point of intersection of the diagonals of the flag, and thus coinciding with the center of the large center star. On the scarlet field around the large star are other white stars, one for each State, equally scattered in the reentering angles, and all included within the circumference of a circle of 3 feet 3 inches radius, whose center is the center of the large star.

COLORS.

234. The colors of the President shall be of scarlet silk, 6 feet 6 inches fly and 4 feet on the pike, which shall be 10 feet long, including ferrule and head. The head shall consist of a globe, 3 inches in diameter, surmounted by an American eagle, alert, 4 inches high. In each of the four corners shall be a five-pointed white star. The

points of these stars lie in the circumference of an imaginary circle of 2½ inches radius. The centers of these imaginary circles, which coincide with the centers of these stars, are 9 inches from the short sides and 7 inches from the long sides of the color. In the center of the color shall be a large fifth star, also of five points, which lie in the circumference of an imaginary circle of 16½ inches radius. The center of this circle is the point of intersection of the diagonals of the color. The reentering angles of this large star lie in the circumference of an imaginary circle of 8 inches radius, with the same center as before. Inside of the star thus outlined is a parallel star, separated from it by a band of white 1½ inches wide. This inner star forms a blue field, upon which is the official coat of arms of the United States as determined by the State Department, the device being located by placing the middle point of the line dividing the chief from the paleways of the escutcheon upon the point of intersection of the diagonals of the color, and thus coinciding with the center of the larger star. On the scarlet field around the larger star are other white stars, one for each State, equally scattered in the reentering angles, and all included within the circumference of a circle of 19½ inches radius, whose center is the center of the large star. The design, letters, figures, and stars are to be embroidered in silk, the same on both sides of the color. The edges of the color are to be trimmed with knotted fringe, of silver and gold, 3 inches wide, and one cord (having two tassels) 8 feet 6 inches long and made of red, white, and blue silk intermixed.

235. The flag of the Secretary of War shall be of scarlet bunting, measuring 12 feet fly and 6 feet 8 inches hoist, having upon it an eagle with outstretched wings. On the breast of the eagle a United States shield; in the right talon an olive branch, with berries, and in the left a bunch of arrows; in the eagle's beak a scroll with the motto "E Pluribus Unum." In the field of the shield there shall be placed two rows of stars, 6 in the upper and 7 in the lower row, placed equidistant apart. There shall also be placed in each corner of the flag a white star, the measurement of which shall be about 9.8 inches from point to point. The distance from the upper or lower edges of the flag to the center of the stars shall be about 12.8 inches, and the distance from the heading and end of the flag to the center of the stars about 17.25 inches.

236. The colors of the Secretary of War shall be scarlet silk, 5 feet 6 inches fly, 4 feet 4 inches on the pike, which will be 9 feet long, including spearhead and ferrule. To have in the center embroidered in silk a golden brown American eagle with outstretched wings; on its breast a United States shield; in the right talon an olive branch with red berries, and in the left a bunch of arrows; a red scroll held in the eagle's beak with the motto "E Pluribus Unum" worked in yellow; and in the upper part of the United States shield a group of 13 white stars, about three-fourths inch from point to point, arranged in two rows, the upper row consisting of 6 and the lower row of 7 stars. The design, letters, and figures to be embroidered in silk the same on both sides of the color. To have a star embroidered in white silk placed at each corner of the flag, about 4½ inches from point to point. The distance from the upper or lower edges of the flag to the center of the stars to be about 7½ inches, and from the pike casing or end of the fly to the center of the stars, about 13 inches.

237. The garrison, post, and storm flags are national flags, and will be of bunting. The union of each is as described in paragraph 232 and one-third the length of the flag.

The garrison flag will have 36 feet fly and 20 feet hoist; it will be furnished only to posts designated in orders from time to time from Headquarters of the Army, and will be hoisted only on holidays and important occasions.

The post flag will have 20 feet fly and 10 feet hoist; it will be furnished for all garrisoned posts and will be hoisted in pleasant weather.

The storm flag will have 8 feet fly and 4 feet 2 inches hoist; it will be furnished for all occupied posts and national cemeteries, and will be hoisted in stormy or windy weather; it will also be used as a recruiting flag.

238. The flag of the Geneva Convention, to be used in connection with the national flag in time of war with a signatory of the convention, will be as follows:

For general hospitals, white bunting, 9 by 5 feet, with a red cross of bunting 4 feet high and 4 feet wide in the center; arms of cross to be 16 inches wide.

For field hospitals, white bunting, 6 by 4 feet, with a red cross of bunting 3 feet high and 3 feet wide in the center; arms of cross to be 12 inches wide.

For ambulances and guidons to mark the way to field hospitals, white bunting, 28 by 16 inches, with a red cross of bunting 12 inches high and 12 inches wide in the center; arms of cross to be 4 inches wide.

239. Battalions of Engineers.—The national color of stars and stripes, as described for flags, will be made of silk, 5 feet 6 inches fly, 4 feet 4 inches on the pike, which will be 9 feet long, including spearhead and ferrule. The union to be 2 feet 6 inches long, and "1st Battalion, U. S. Engineers;" "2d Battalion, U. S. Engineers;" "3d Battalion, U. S. Engineers," as the case may be, embroidered in silver on the center stripe, stars embroidered in white silk, yellow silk knotted fringe, cord and tassels red and white silk. The battalion color will be of scarlet silk, same dimensions, having in the center a castle, with the words "1st Battalion," "2d Battalion," or "3d Battalion" placed above the castle and the words "U. S. Engineers" below in silver, fringe white, cord and tassels red and white silk.

240. The national color of a regiment of engineers shall be the same as that above described with the following exceptions:

(1) The inscription upon the national color in the center stripe shall be: "( ) Regiment U. S. Engineers."

(2) A similar inscription shall be placed upon the regimental color below the castle.

241. The Artillery Corps.—The national color will be of material and dimensions and with union, stars, and pike, as prescribed in paragraph 239, having the words "U. S. Artillery Corps" embroidered in yellow silk on the center stripe; fringe yellow, cord and tassels red and yellow. The corps color will be of scarlet silk, same dimensions, bearing in the center two cannon crossed, with "U. S." above and the words "Artillery Corps," each in a scroll, the scrolls yellow, letters scarlet, fringe yellow, cord and tassels red and yellow.

242. Infantry Regiments.—The national color will be of material and dimensions and with union, stars, and pike as prescribed in paragraph 239, having the number and name of the regiment embroiderad in white silk on the center stripe, fringe yellow, cord and tassels blue and white. The regimental color will be of blue silk, same dimensions, the coat of arms of the United States embroidered in silk on the center, beneath the eagle a red scroll, with number and name of regiment embroidered in white, fringe yellow, cord and tassels blue and white.

243. Standards for Cavalry Regiments.—The national standard of stars and stripes, as described for flags, will be made of silk, 4 feet fly and 3 feet on the lance, which will be 9 feet 6 inches long, including spear and ferrule. The union to be 22 inches long, and the number and name of regiment embroidered in yellow silk on the center stripe, fringe yellow. The regimental standard will be of yellow silk, same dimensions, the coat of arms of the United States embroidered in silk on the center, beneath the eagle a red scroll, with number and name of regiment embroidered in yellow, fringe yellow.

244. Colors and Standards.—The silken national color or standard will be carried in battle, campaign, and on all occasions of ceremony at regimental headquarters in which two or more companies of the regiment participate. The regimental color or standard will be carried in like cases in battle, campaign, and at reviews and inspections; at ceremonies other than reviews, inspections, and escort of the color, it will be carried only when so ordered by the regimental commander. A similar rule

applies to the use of the colors of the battalions of engineers. When not in use as prescribed in this paragraph, colors and standards will be kept in their waterproof cases.

245. SERVICE COLORS AND STANDARDS.—A national color made of bunting or other suitable material, but in all other respects similar to the silken national color, will be furnished to the battalions of engineers and to each regiment of infantry for use at drills and on marches and all service other than battles, campaigns, and occasions of ceremony. A similar color of the same dimensions as the silken standard will be furnished for like purposes to each regiment of cavalry.

246. GUIDONS FOR CAVALRY.—Each troop of cavalry will have a silken guidon, cut swallow-tailed, 15 inches to the fork, 3 feet 5 inches fly from lance to end of swallowtail, and 2 feet 3 inches on the lance, having two horizontal stripes each one-half the width of the flag, the upper red and the lower white, the red stripe having on both sides in the center the number of the regiment in white silk, and the white stripe the letter of the troop in red silk, the letter and number block-shaped, $4\frac{3}{4}$ inches high, the lance $1\frac{1}{4}$ inches in diameter and 9 feet long, including spear and ferrule. Each troop will also have a service guidon, made of bunting or other suitable material, in shape and design the same as the silken guidon; the latter will be used only in battle, campaign, or on occasions of ceremony.

247. GUIDONS FOR FIELD ARTILLERY.—Each battery of field artillery will have a guidon of scarlet silk, dimensions and shape same as described for cavalry guidons, in the center on both sides of the guidon two cannon crossed, about $14\frac{1}{2}$ inches in length, with number of battery below the crossed cannon, number of yellow silk, number block-shaped, $4\frac{1}{2}$ inches high, lance same as for cavalry guidon. This silken guidon will be used only in battle, campaign, or on occasions of ceremony. Each battery will also have a service guidon of bunting or other suitable material, in shape and design the same as the silken guidon.

248. Signal flag for the headquarters of signal officers of an army, corps, or division, and for field and telegraph trains: a red signal flag, silk, with white center. On the red field shall be embroidered the words "United States Signal Corps," and on the white center the device of the Signal Corps. A 6 x 6 foot flag shall be used at army or corps headquarters, and a 4 x 4 foot flag elsewhere.

249. Whenever in the opinion of a commanding officer the condition of any silken color, standard, or guidon in the possession of his command has become unserviceable, a board of survey will be appointed to report, for the information of the Secretary of War, its condition and the necessity of supplying a new one. If requiring repair, application to have it placed in a serviceable condition should be made to the Quartermaster-General. Service colors and guidons will be submitted for the action of an inspector when unfit for further use. Upon receipt of new silken colors, standards, or guidons commanding officers will cause those replaced to be numbered and retained by the organization to which they belong as mementos of service, a synopsis of which, bearing the same number, will be filed with the records of the organization.

250. The names of the battles in which one or more companies of a regiment or of the battalions of engineers, or the artillery corps, have borne a meritorious part may be engraved upon silver rings, fastened on the pikes or lances of the colors or standards, and in cases where less than half the number of companies of the regiment or battalion were engaged, the company letters will follow the name of the battle. The names of battles in which field batteries or troops of cavalry have, when detached, been engaged separately may be inscribed upon rings on the lances of their guidons. The lance of the service guidon will not be thus marked. The fact that an action in which any organization has been engaged is entitled to be

called a battle, and the name to be engraved on the rings will be announced from the Adjutant-General's Office. Requisitions for new colors and guidons will be accompanied by lists of battles.

CAMP COLORS.

251. To be as described for flags, printed upon bunting, 18 by 20 inches, on a pole of ash 8 feet long and $1\frac{1}{8}$ inches in diameter, the butt end armed with a pointed ferrule.

252. No ensign, pennon, streamer, or other banner of any kind, other than the flags, colors, standards, pennants, and guidons prescribed by the Army Regulations, will be used by the Army, or by any regiment or other organization thereof.

ARTICLE XXXI.

REGIMENTS.

ORGANIZATION AND INSTRUCTION.

253. The designation "company," as used in these regulations, applies to troops of cavalry, batteries of field artillery and companies of infantry and coast artillery, and bands of all arms. The designation "battalion" applies in like manner to squadrons of cavalry.

254. In the cavalry and infantry arms the regiment is the administrative unit. A cavalry regiment consists of three constituted squadrons of four troops each; an infantry regiment of three constituted battalions of four companies each. The station of the permanent regimental commander is the headquarters of the regiment. The command of a regiment devolves upon the senior officer on duty with it wherever he may be stationed. Wherever incomplete battalions of the same or different regiments are serving together the commanding officer may designate provisional battalions. The battalion is a unit for maneuvers, and instruction; it is not an administrative unit; it has no headquarters and, when serving in a regiment, no records.

255. Upon the organization of a regiment its companies receive permanent designation by letters in alphabetical order, and officers are assigned to them in order as lettered, according to rank. Subsequently officers, upon promotion or appointment, are assigned to fill vacancies regardless of relative rank.

256. A regimental commander should continually labor for the instruction and efficiency of his regiment. He should encourage among his officers harmonious relations and a friendly spirit of emulation in the performance of duty. His timely interference to prevent disputes, his advice to the inexperienced, and immediate censure of any conduct liable to produce dissension in the regiment or to reflect discredit upon it, are of great importance in securing and maintaining its efficiency. In such efforts he will receive the loyal support of his subordinates. He will make an inspection of his immediate command on the last day of every month.

257. Each department commander will announce in orders annually the period of the year to be given to practical instruction in drill and other military exercises, prescribing their character and the time to be devoted thereto. He will also designate a period of four consecutive months in each year for theoretical instruction, imparted in lyceums or by lectures, recitations, or other methods, to be given twice each week during the period designated. Each regimental commander will supervise the instruction of the officers under his immediate command, and each post commander that of regimental officers of his command who are absent from the headquarters of their respective regiments. Each company commander is responsible for the practical and theoretical instruction of his noncommissioned officers. These duties will be so performed as not to interfere with proper rest and recreation.

258. Upon the last day of September and March of each year commanding officers of companies will forward to their regimental commanders reports showing the character and scope of instruction imparted during the previous six months, the number and kind of drills, and number of recitations with average attendance thereon. Regimental commanders will forward abstracts of these reports through military channels to the Adjutant-General of the Army for the information of the Commanding General.

259. Field officers of the line of the Army are assigned by the department or other commander to stations or commands where their services are most required, provided troops of their own regiments or corps are serving there. Lieutenant-colonels and majors on duty at stations are assigned to provisional battalions by post commanders.

260. The regimental staff officers are appointed from the captains, and consist of the adjutant, the quartermaster, and the commissary, and they will be so designated, respectively; they are appointed by the regimental commander, who will at once report his action to the Adjutant-General; the appointments of the quartermaster and the commissary are to be made subject to the approval of the Secretary of War. The battalion staff officers are appointed from the lieutenants and consist of the adjutant and the quartermaster and commissary, and they will be designated as the battalion (or squadron) adjutant and as battalion (or squadron) quartermaster and commissary, respectively; they are appointed by the regimental commander upon the recommendation of the battalion commander. When a battalion is detached and serving at such a distance from regimental headquarters that more than fifteen days are required for exchange of correspondence by mail, the battalion staff officers are appointed by the battalion commander, who will immediately notify the regimental commander and the Adjutant-General. Appointments of staff officers will not be antedated and will take effect on the day on which actually made; the officer will be entitled to the pay pertaining to his appointment from the date he enters upon duty under it.

261. Regimental staff officers may hold the same office for four years and battalion staff officers for two years, and no longer. They will not be eligible for a second tour, nor for appointment or reappointment, except to serve an unexpired term; but the time an adjutant or quartermaster may have previously served on the regimental staff with the rank of lieutenant, and any period a lieutenant may have served as a battalion staff officer, will not be included in computing the four years for which he may serve on the regimental staff as a captain.

262. All staff appointments in a regiment are restricted to the officers on duty with it and who are not serving at a school of instruction. Should the regimental commander desire to appoint an absent officer to the regimental staff he may apply for orders for the absent officer to join, but the officer must join before the appointment can be made.

263. The adjutant, under the direction of the regimental commander, will have charge of the various rosters of service; he will make, publish, and verify all details, keep the records of the regiment, and perform such military duties with troops as are required by regulations. Through him the regimental commander communicates with the officers and men of his command.

264. The adjutant should be courteous to and on friendly terms with the officers of the command he represents, and will avoid all discussions of the orders or military conduct of his superiors. He should inform himself upon all points of military usage and etiquette, and on proper occasions aid with his advice and experience the subalterns of the regiment, especially those just entering the service. He will endeavor at all times to exert the influence belonging to his station in sustaining the reputation, discipline, and harmony of the regiment.

265. The adjutant, quartermaster, and commissary are, under the regimental commander, responsible for the discipline and efficiency of the noncommissioned staff and band.

266. The quartermaster is responsible for all quartermaster's supplies of the regiment, and may be required to perform the duties of quartermaster of the post where he is stationed. The commissary is responsible for all subsistence supplies of the regiment, and may be required to perform the duties of commissary of the post where he is stationed.

267. A regimental staff officer may be assigned to duty with a company or to any staff duty which his regimental commander may impose. A battalion staff officer is subject to any duty which the commanding officer may impose.

268. The regimental noncommissioned staff officers consist of the sergeant-major, the quartermaster-sergeant, and two color-sergeants and are appointed by the regimental commander. The battalion noncommissioned staff officers are the battalion sergeant-majors, and will be so designated. They are appointed by the regimental commander upon the recommendation of the battalion commander. When a battalion is detached and serving at such a distance from regimental headquarters that more than fifteen days are required for exchange of correspondence by mail, the battalion noncommissioned staff officers are appointed by the battalion commander, who will immediately notify the regimental commander. Each noncommissioned staff officer will be furnished with a warrant, signed by the officer making the appointment and countersigned by the adjutant. The appointment takes effect on the day upon which it is made, and the warrant may be continued in force upon discharge and reenlistment, if reenlistment be made on the day following discharge; each reenlistment and continuance may be noted on the warrant by the adjutant. Any noncommissioned staff officer may be reduced to the ranks by the sentence of a court-martial, or by order of the commander having authority to appoint such noncommissioned officer. Noncommissioned staff officers will preferably be selected from the noncommissioned officers of the regiment most distinguished for efficiency, gallantry, and soldierly bearing.

269. At military posts and stations and in the field the regimental commissaries and regimental commissary sergeants of cavalry and infantry regiments will perform the necessary work of their respective offices in the subsistence department at the stations of the headquarters of their regiments, and no commissary sergeants of the general staff will be assigned to posts at which there is a regimental headquarters, except under unusual conditions.

270. The public property pertaining to the headquarters of the regiment will be marked "H. Q.," with arm and number of regiment; the equipments in possession of the noncommissioned staff, regimental noncommissioned officers, and band will be marked "N. C. S.," "N. C.," and "Band," respectively, and with the arm and number of the regiment and of the man to whom the articles are issued.

REGIMENTAL RECORDS.

271. Regimental records will consist of an order book, a letters-received book, an index book for letters received, a letters-sent book, an index book for letters sent, and a regimental fund book, furnished by the Quartermaster's Department; a descriptive book, furnished by the Adjutant-General of the Army; all orders, circulars, and instructions from higher authority, copies of the monthly returns, muster rolls of the field, staff, and band, other regimental returns and reports, and all correspondence concerning the regiment or affecting its personnel.

272. All orders and circulars from the Headquarters of the Army, or of the corps, division, brigade, or territorial department in which the regiment may be serving, will be filed in book form and indexed as soon as received.

BANDS.

273. The bands of cavalry regiments and of the Artillery Corps shall each consist of one chief musician, one chief trumpeter, one principal musician, one drum major, four sergeants, eight corporals, one cook, and eleven privates.

274. The bands of infantry regiments and the engineer band shall each consist of one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook, and twelve privates.

275. The noncommissioned officers of regimental bands will be appointed by the regimental commanders, upon the recommendation of regimental adjutants, under the same conditions prescribed in paragraph 268 for the noncommissioned staff of the regiment. The noncommissioned officers of the engineer band will be appointed by the commanding officer of the battalion with which the band is serving; the noncommissioned officers of the artillery bands will be appointed by the commanding officers of the posts at which they are stationed.

276. When a regiment occupies several stations the band will be kept at headquarters, provided one or more companies be serving there. The field musicians of companies will not be separated therefrom. The artillery and engineer bands will be assigned to stations by the Secretary of War upon the recommendation of the Chiefs of Engineers and Artillery, respectively.

277. Musical instruments, mentioned in paragraph 1326, extra parts therefor, and equipments for bands will be furnished by the Quartermaster's Department. Musical instruments other than those above referred to may be purchased from available regimental funds. The quartermaster will be accountable for band instruments furnished by the Quartermaster's Department; the adjutant for those purchased from the regimental fund.

278. Regimental commanders will notify the Adjutant-General of the Army direct when field or band musicians are required.

279. Commanding officers will require bands to play national and patriotic airs on appropriate occasions. The playing of a national or patriotic air as a part of a medley is prohibited.

ARTICLE XXXII.

TROOPS, BATTERIES, AND COMPANIES.

OFFICERS AND NONCOMMISSIONED OFFICERS

280. Captains, although eligible for detail in the staff and for appointment as aids and regimental staff officers, and liable to the temporary details of service, will not, except for urgent reasons, be detached from their companies.

281. The commanding officer of a company is responsible for its appearance, discipline, and efficiency; for the care and preservation of its equipment; for the proper performance of duties connected with its subsistence, pay, clothing, accounts, reports, and returns.

282. In the absence of its captain, the command of a company devolves upon the subaltern next in rank who is serving with it, unless otherwise specially directed.

283. In the absence of all the officers of a company, the post commander will assign an officer, preferably of the same regiment, to its command. If there be no officer available, the fact will be reported to the department commander.

284. Captains will require their lieutenants to assist in the performance of all company duties, including the keeping of records and the preparation of the necessary reports and returns.

285. Noncommissioned officers will be carefully selected and instructed, and always supported by company commanders in the proper performance of their duties. They will not be detailed for any duty nor permitted to engage in any occupation inconsistent with their rank and position. Officers will be cautious in reproving them in the presence or hearing of private soldiers.

286. Company noncommissioned officers are appointed by regimental commanders, or by battalion commanders under the conditions stated in paragraph 268, on the recommendation of their company commanders; but in no case will any company organization have an excess of noncommissioned officers above that allowed by law.

287. To test the capacity of privates for the duties of noncommissioned officers company commanders may appoint lance corporals, who will hold such appointment not to exceed three months, and will be obeyed and respected as corporals. The appointments, with the approval of the regimental, post, or battalion commander, may be renewed for three months, but no company shall have more than one lance corporal at a time, unless there are noncommissioned officers absent by authority, during which absences there may be one for each absentee. Lance corporals holding renewed appointments are on the same footing regarding reduction as corporals. A lance corporal holding a first appointment will wear the uniform of a private with a chevron having one bar of lace or braid; if holding a renewed appointment he will wear the uniform of a corporal, except that the chevron will have but one bar of lace or braid.

288. The captain will select the first sergeant from the sergeants of his company, and may return him to the grade of sergeant without reference to higher authority.

289. Each noncommissioned officer will be furnished with a certificate or warrant of his rank, signed by the officer making the appointment, and countersigned by the adjutant; but a separate warrant as first sergeant, quartermaster-sergeant, or stable-sergeant will not be given. A warrant issued to a noncommissioned officer is his personal property. Warrants need not be renewed in cases of reenlistment in the same company, if reenlistment is made the day following the day of discharge, but, upon request, may remain in force until vacated by promotion or reduction, each reenlistment and continuance to be noted on the warrant by the company commander.

290. Appointments of company noncommissioned officers will take effect on the day of appointment by the authorized commander, and of first sergeants, quartermaster-sergeants, stable-sergeants, cooks, artificers, farriers and blacksmiths, saddlers, wagoners, musicians and trumpeters on the day of appointment by the company commander; but in case of vacancy in a company in the field and absent from regimental headquarters, a company commander may make a temporary appointment of a noncommissioned officer, which, if approved by the regimental commander, will carry rank and pay from the date of such appointment.

291. A noncommissioned officer may be reduced to the ranks by sentence of a court-martial, or on the recommendation of the company commander, by the order of the commander having authority to appoint such noncommissioned officer, but a noncommissioned officer will not be reduced because of absence on account of sickness, or injury contracted in the line of duty. If reduced to the ranks by sentence of court-martial at a post not the headquarters of his regiment, the company commander will forward a transcript of the order to the regimental commander. The desertion of a noncommissioned officer vacates his position on the date of desertion.

292. Mechanics, cooks, farriers and blacksmiths, artificers, saddlers, wagoners, field musicians, and trumpeters are enlisted as privates, and after joining their companies are appointed by their respective company commanders; for inefficiency or misconduct they are subject to reduction by the same authority.

293. A soldier may, when necessary, be relieved from ordinary military duty to make, repair, or alter uniforms. The post council will fix the rates to be charged, which will not exceed the cost of doing such work at the clothing depot, and company commanders will cause to be deducted from the pay of enlisted men and turned over to the proper party the amount properly due therefor. The provisions of this paragraph will be construed to apply to civilian tailors, as well as to enlisted men detailed for that duty by proper authority.

COMPANY BOOKS AND RECORDS.

294. The company records will consist of: A company order book, a book of letters received, an index of letters received, a book of letters sent, an index of letters sent, a company council book, supplied by the Quartermaster's Department; a sick report book, a company clothing book, a morning report book, a descriptive and deposit book, and a duty roster, supplied by the Adjutant-General; also for a company of cavalry or light artillery, a descriptive book of public animals, furnished by the Quartermaster's Department. A record of vaccinations will be entered in the descriptive and deposit book. The records will also contain orders and instructions received from higher authority, retained copies of the various rolls, reports, and returns required by regulations and existing orders, and all letters and correspondence affecting the personnel of the company. Copies of orders entered by first sergeants in company order books will be attested by the adjutant.

295. The records of each company or detachment will contain full information respecting all quartermaster's supplies, showing list of articles, date of receipt, from whom received, and name of officer who signed memorandum receipt therefor; also an account of all articles turned in, expended, stolen, lost, or destroyed; and the company or detachment commander will quarterly, and when relinquishing his command, have a settlement with the quartermaster.

INTERIOR ECONOMY OF COMPANIES.

296. Company, band, and detachment commanders will make a complete inspection of their organizations under arms every Saturday. They will also make a daily inspection of the men's quarters and kitchens, giving particular attention to cleanliness and the proper preparation of food, and noting whether all lamps in use have been cleaned, filled, and made ready for lighting, before dark. No one will be excused from Saturday inspection except the guard and the sick in hospital. Cavalry and field artillery will habitually be inspected mounted.

297. The company commander will cause the enlisted men of the company to be numbered and divided into four squads, each under the charge of a noncommissioned officer. As far as practicable the men of each squad will be quartered together.

298. In quarters the name of each soldier will be attached to his bunk, arms will be kept in racks, bayonets in their scabbards. Accoutrements and sabers will be hung up by the belts.

299. Strict attention will be paid by company commanders to the cleanliness of the men and to the police of barracks or tents. The men will be required to bathe frequently. The hair will be kept short and the beard neatly trimmed. Soiled clothing will be kept in the barrack bag.

300. A thorough police of barracks will precede the Saturday inspection. The chiefs of squads will see that bunks and bedding are overhauled, floors, tables, and benches scoured, arms and accoutrements cleaned, and all articles of black leather polished.

301. Chiefs of squads will be held responsible for the cleanliness of their men. They will see that those who are to go on duty put their arms, accoutrements, and clothing in the best order, and that such as have passes leave the post in proper dress.

302. Soldiers will wear uniform in camp or garrison, and will not be permitted to keep other clothing in their possession. When on fatigue they will wear suitable fatigue dress.

303. The articles borne upon the annual price list of clothing, published in orders, will be considered the uniform, and no deviation therefrom will be allowed.

304. Company commanders will see that all public property in the possession of enlisted men is kept in good order, and that missing or damaged articles are duly accounted for.

305. Company commanders are responsible for text-books and other official publications issued for the use of their companies.

306. Enlisted men will not take their arms apart except by permission of a commissioned officer. The mutilation of any part by filing or otherwise, and attempts to beautify or change the finish, are prohibited. Pieces will be unloaded before being taken to quarters or tents, and as soon as the men using them are relieved from duty, unless otherwise ordered. The use of tompions in small arms is forbidden. The prohibition in this paragraph of attempts to beautify or change the finish of arms in the hands of enlisted men is not construed as forbidding the application of raw linseed oil to the wood parts of the arm. This oil is considered necessary for the preservation of the wood, and it may be used for such polishing as can be given by rubbing in one or more coats when necessary. The use of raw linseed oil only will be allowed for redressing, and the application for such purpose of any kind of wax or varnish, including heelball, is strictly prohibited.

307. It is forbidden to use any dressing or polishing material on the leather accoutrements or equipments of the soldier, the horse equipments for cavalry, or the artillery harness, except the preparations supplied by the Ordnance Department for that purpose.

308. Equipments will be fitted to the men under the direction of an officer; all other changes are prohibited.

309. Articles of public property issued to a company for its exclusive use will, when practicable, be marked with the letter or number of the company and number and arm of the regiment. Such articles issued to an enlisted man (arms and clothing excepted) will, as far as practicable, be marked with the number of the man, letter or number of the company, and number of the regiment. Haversacks and blanket bags will be uniformly marked on the outside as follows: Cavalry, crossed sabers; infantry, crossed rifles, with letter of company above and number of regiment below the intersection; artillery, crossed cannons with the number of the company or battery at the intersection of the cannons; the special corps of the Army according to their respective devices. The design will be stenciled in black, the device five inches long, and letters and numbers in full-faced characters one inch high. The design will be placed above letters "U. S." on equipments, and the number of the soldier, in characters one inch high, will be placed at the bottom, near the lower edge of the blanket bag. The canteen will be marked with the letter or number of the company, number of the regiment, and number of the man.

MESSING AND COOKING.

310. In camp or barracks, where companies are not joined in a general mess, a company commander will supervise the cooking and messing of his men. He will see that his company is provided with at least two copies of the Manual for Army Cooks, and that suitable men in sufficient numbers are fully instructed in managing and cooking the ration in the field; also that necessary utensils in serviceable condition are always on hand, together with the field mess furniture for each man. At a

post where all the companies are joined in a general mess, the post commander will see that the instruction above mentioned is given. At such a post a company commander will confine his supervision of the mess of his company to observation and to notifying the officer in charge in writing of anything requiring remedy. Should this officer fail to apply proper remedy, report may then be made to the post commander. A department commander will see that each company of his command has the necessary field practice each year.

311. Kitchens will be placed under the immediate charge of noncommissioned officers, who will be held responsible for their condition and for the proper use of rations. No one will be allowed to visit or remain in the kitchen except those who go there on duty, or are employed therein. The greatest care will be observed in cleaning and scouring cooking utensils.

312. Special regulations for soldiers' fare can not be made to suit each locality and circumstance. Personal care and judgment on the part of company officers are relied on to prevent waste or misuse. By due economy some part of the ration can be saved and sold, and the proceeds applied to provide additional articles of diet.

313. The Manual for Army Cooks contains comprehensive instructions in cooking, which will be observed as far as practicable.

314. The food of prisoners will be sent to their places of confinement when practicable, but post commanders may arrange to send prisoners, under proper guard, to their messes.

315. Kitchen and table ware and mess furniture will be supplied by the Quartermaster's Department. Allowances will be announced in orders. Post commanders will enforce rigid economy in regard to such property. Articles broken, lost, or damaged will be charged to individuals at fault. Such proportions of company allowances of fuel, illuminating supplies, brooms, and scrubbing brushes as may be necessary for the service of a general mess will be allotted by the post commander.

316. In the field the mess furniture of a soldier will be limited to one tin cup, knife, fork, and spoon, and such device for individual cooking as may be furnished by the Ordnance Department.

ARTICLE XXXIII.

Councils of Administration.

317. Post, post exchange, company, and mess councils of administration are assembled to audit the bakery, exchange, company, and mess funds, respectively, to ascertain and examine the sources from which, and methods by which they have accrued, and to recommend expenditures therefrom. Post councils are also called to deliberate upon and recommend action, within the limits allowed by regulations, upon such subjects affecting the welfare and economy of the post as commanding officers may submit to them. The post treasurer, post exchange officer, and company commanders are, respectively, the custodians of the bakery, exchange, and company funds.

318. Company, post exchange bakery, and other funds authorized by paragraph 317 will, if deposited in bank, be placed under their official designation, as, for example, Company Fund, Company B, Twenty-first Infantry, and not to the credit of the officer who is custodian.

When such deposit is made there will be filed with the bank official copies of the orders making the officer custodian, his signature certified to by the next higher commander, and a copy of this regulation.

An officer succeeding to the custody of such funds will transmit to the bank, through the next higher commander, his signature and dated official copies of his

authority, which department or division commanders will verify if so requested by the bank.

319. On the last day of each quarter, and when necessary, the post, post exchange, and general mess councils will be convened by the post commander, and the company council by the company commander. The mess and exchange councils will also meet at the call of their presidents. The post council will consist of the three officers on duty at the post next in rank to the commander, or of as many as are available, if less than three. If only the commanding officer be present, he will act. The post exchange council will consist of three officers, viz, the officer in charge of the exchange and two company commanders detailed by roster, or, when this is impracticable, the exchange council will be constituted as prescribed for the post council. The company council will consist of all officers present for duty with the company, and the mess council of the commanders of the several companies participating in the general mess.

320. The junior member of each council will record its proceedings in an appropriate book, to include a written certificate of the responsible officer that the funds are on deposit in a reputable banking institution named in the certificate, or a statement that they have been exhibited to the council, which proceedings will be signed by the president and recorder. The post or other commander will require the proceedings to be kept as this regulation prescribes and will decide disagreements in those of company councils. Those of the post, exchange, and mess councils will be submitted to the post or other commander, who will sign his approval or objection in the council book. Should the post or other commander disapprove the proceedings, and the council, after reconsideration, adhere to its conclusions, a copy of the proceedings will be sent by the commanding officer to the department commander, whose decision thereon upon all questions not involving pecuniary responsibility will be final. Upon such questions appeal may be taken to the Secretary of War. The final orders in each case will be entered in the council book.

321. The post council will fix laundry charges, prices charged by tradesmen for making and repairing uniforms of enlisted men, and, when directed, will submit regulations for the post school.

322. The commanding officer who approves the appropriations of a council, and in the matter of the company fund the company commander, will be held responsible for all expenditures not made in accordance with regulations.

323. In case of loss of regimental, bakery, exchange, company, or mess funds, the circumstances will be carefully investigated and reported by the post council, with recommendation as to responsibility, for the decision of the department commander. In case of appeal from his action the papers will be forwarded to the Adjutant-General of the Army for the decision of the War Department.

ARTICLE XXXIV.

Regimental, Bakery, Company, and Mess Funds.

GENERAL PROVISIONS.

324. The purchase from regimental, bakery, company, or mess funds of any article which can be obtained on requisition from a supply department is forbidden.

325. No projects by which money will accrue will be entered upon under color of military control without specific authority from the War Department.

REGIMENTAL FUND.

326. This fund consists of the gross amounts received on account of the band, from post exchange profits, voluntary contributions, amounts retained for regimental use from proceeds of private engagements of the band, and from sale of articles purchased. The adjutant will be the treasurer of the fund, and will disburse it under the direction of the regimental commander. A record of all receipts and expenditures and a complete list of property purchased will be kept in the regimental fund book.

BAKERY FUND.

327. The usual ration of bread is 18 ounces, but the weight of it may be increased within the limits of the flour ration, at the discretion of the commanding officer, upon the recommendation of the post council of administration. Such portion of the flour as the company commander deems necessary for food in other forms than bread—not exceeding two ounces per ration—may be drawn by the company. The remainder will be turned into the post bakery, and for each ration of flour thus turned in the company is entitled to one ration of bread or the price of one flour ration. Savings on the flour ration, ordinarily 33 per cent, will be disposed of by the post treasurer for the benefit of the troops; bread may be baked from it for sale to civilian employees and others connected with the military service at the post, and to post exchanges; the residue of the flour will be sold. At the end of every quarter the post council will make an equitable distribution of the money savings of the bakery, and this action, when approved by the post commander, will be final. Surplus bread will be sold only by the bakery. When enlisted men or others entitled to rations are allowed to mess separately from companies or organizations, they will not, when flour is issued to them by the Subsistence Department, be required to turn it into the post bakery, if they prefer the ration of flour to the ration of bread issued therefrom, but they will not be entitled to any share of the bakery profits. The savings of flour by troops in the field will be credited to the company fund.

328. The bakery fund will be under the supervision of the post council, and will be collected and held by the officer appointed by the post commander as post treasurer, who will also act as post librarian.

329. The post treasurer will open an account with the bakery fund, and will make payments therefrom in pursuance of specific appropriations by the post council, approved by the post commander. The account will at all times be subject to the post commander's inspection.

330. When an officer is relieved from duty as post treasurer, his accounts will be audited by the post council.

COMPANY AND MESS FUNDS.

331. The company fund, which will consist of the gross amounts of money received from all sources, is received by the company commander and, with the concurrence of the company council, is disbursed by him solely for the benefit of the company. Articles of the established ration purchased with company funds

will be purchased from the commissary, if practicable. The fund of the hospital, or of a detachment or band having a separate mess, is regarded as a company fund. Moneys accruing to the fund of a detachment of the Hospital Corps, together with the proceeds from the savings of the rations of the sick in hospital, belong to the hospital fund.

332. The company commander will keep an account of the company fund, which will be subject to inspection by the commander of the post and regiment and members of the company council.

333. Extra compensation may be paid to enlisted men from company or general mess funds as follows: From a company fund, 25 cents per day to the head cook; from a general mess fund, not exceeding $2.00 per day, to be apportioned by the mess council among the cooks and other necessary regular attendants. Of this $2.00 the mess council may allot to the mess steward (who may be a noncommissioned officer) a per diem of 50 cents, and in addition thereto a share of the remaining $1.50. The head cook of a company and such of the regular attendants of a general mess as the commanding officer may designate will be inspected and mustered in the kitchen or mess hall. They will be excused from the ordinary post duties, but will attend target practice when practicable.

334. An officer appointed by the post commander will, under his direction, conduct the general mess affairs, make necessary purchases, and have charge of the mess fund. Quarterly and when relieved he will submit to the mess council a statement of all business dealings and money transactions, with proper vouchers. Upon the call of the mess council, he will furnish information regarding the condition and management of the mess. A company on taking the field or withdrawing from a general mess will be entitled to a just share of the fund thereof, to be determined by the mess council, approved by the post commander.

ARTICLE XXXV.

Post Bakeries.

335. Bread will be baked in post bakeries when practicable. At all permanent posts a suitable building for the purpose, and the necessary utensils and furniture therefor, will be provided by the Quartermaster's Department. Such necessary fuel as can be saved from authorized issues to troops may be used in post bakeries. If more is needed it may be purchased from the quartermaster at contract price. The post treasurer, under the supervision of the commanding officer, will have charge of the bakery.

336. A competent enlisted man will be detailed as chief baker, and if necessary, one or more enlisted men as assistant bakers.

337. Extra pay to post bakers will be paid from the bakery fund, and the following daily rates are authorized: To the chief baker at a post of one company, 25 cents; two companies, 35 cents; three companies, 40 cents; four or more companies, 50 cents. To each necessary assistant, 10 cents less than the chief baker, when the chief baker's pay is 40 cents or less, and 15 cents less, when the chief baker's pay is 50 cents.

338. The expenses of the bakery will be restricted to the extra pay of the bakers, the purchase of articles necessary for making bread, and utensils not furnished by the supply departments. These expenses must be paid from the savings of the flour ration.

339. The chief baker will be inspected and mustered at the post bakery. He will be excused from ordinary post duties, but will attend target practice when practicable.

340. The baking of bread by companies at posts is expressly forbidden.

BOSTON MEDICAL
OCT 21 1909
LIBRARY

ARTICLE XXXVI.

LIBRARIES, READING ROOMS, ETC.

341. At each permanent post suitable rooms will be set apart for use as library, reading room, chapel, and school. The Quartermaster-General will procure and forward to post libraries such newspapers and periodicals, and to post schools such schoolbooks, stationery, and school material for the use of enlisted men as are authorized by the Secretary of War. Newspapers and periodicals will not be taken from the library; schoolbooks will not be taken from the schoolroom except for the proper use of those attending the post school. These books and periodicals are intended especially for the use of enlisted men. Books for post chapel services are not furnished by the Government; the chaplain is expected to obtain them through the voluntary contributions of those interested. The library and reading rooms may be used by officers in such manner as not to interfere with their use by enlisted men.

342. On the 30th of June of every year, each officer in charge of a post or regimental library will forward, through regular channels, to the Adjutant-General of the Army, a return of all books on hand in or pertaining thereto. Such books as are now required by regulations to be accounted for on property returns and muster rolls shall not be included in the library returns. Post and regimental commanders will examine the returns and certify thereon that the books in the library are accounted for as required by orders and regulations.

343. Adjutants-general of departments will, on June 30th of each year, render to the Adjutant-General like returns of all library books on hand in their charge at the respective department headquarters. These returns will be in addition to the property returns required to be made by them under paragraph 215 of these Regulations. The necessary blank forms for returns of books will be furnished by the Adjutant-General of the Army, and the returns will be made in accordance with the directions printed upon the blanks.

344. When library books are damaged or lost, the fact will be reported to the commanding officer by the librarian, and the person responsible for the loss or damage will be required to replace the book by a new copy, or to pay its value in money to the librarian to enable him to procure one.

345. Valuable books pertaining to a post library which have become unserviceable by fair wear and tear will, when practicable, be repaired, and the cost of repair will be a proper charge against the funds of the post exchange.

346. Books received from the War Department will be promptly acknowledged to the issuing officer and to the Adjutant-General and, together with all library books received from other sources, will be taken up on the return.

347. Inspectors-general will, at the annual inspection of posts, examine the methods adopted for the care and preservation of the library, condemn and destroy such books as may be unserviceable and worthless, and note action in their reports of the inspections of the posts.

348. The necessary orders for the disposition of the books on hand when a post is abandoned or discontinued will be given by the War Department.

349. At any post where building material can be obtained without expense to the Government, and enlisted men desire to erect buildings by their own labor for use as post exchanges, gymnasiums, bowling alleys, and other places of amusement, the post commander is authorized to use the necessary teams and such tools, window sash, doors, and other material as may be on hand and can be spared.

350. The Quartermaster's Department is authorized to transport gymnastic and athletic appliances, purchased with regimental or company funds, for the use of

troops, from the nearest market to the post or station of the troops. In all cases of necessary removal the articles supplied for use in bakeries, libraries, reading rooms, schools, and gymnasiums will also be transported by the Quartermaster's Department.

351. The Quartermaster's Department will furnish fuel for heating libraries, reading rooms, schools, chapels, and gymnasiums, as indicated in paragraph 1110.

ARTICLE XXXVII.

Post Gardens.

352. Commanding officers of posts at or near which suitable public lands are available, will set aside for post gardens such ground as may be necessary for the production of vegetables for the command, and will cause it to be cultivated by the garrison.

353. Seeds for post gardens may be procured from the commissary or from dealers or producers in the vicinity of the post. Payment for such articles at cost prices will be made from post-exchange funds, or pro rata from company and hospital funds.

354. Department commanders will give such instructions as may be necessary for carrying these regulations into effect and for the proper distribution of products of gardens among those entitled to them. Surplus products may be sold and the proceeds divided among the company funds of the garrison according to strength of companies.

ARTICLE XXXVIII.

Post Schools.

355. The instruction of enlisted men is a military duty. The post commander will detail an officer to conduct the post school. Instruction will be given by officers, assisted by teachers detailed from the enlisted men. Commanding officers are enjoined to personally aid and encourage those needing instruction, which will not be restricted to the elementary branches, but will extend to and include any subjects for which enlisted men under instruction may have an aptitude, or which they can pursue with advantage to themselves or to the service. In the absence of proper text-books instruction will be oral. Desks and other material needed in schoolrooms will be supplied by the quartermaster.

356. School terms, aggregating not less than four months in each year, will be designated by the department commander, and sessions will be held daily, Saturdays and Sundays excepted. At the beginning of each term company commanders will furnish to the post commander a list of men needing or desiring instruction.

357. The number of teachers detailed from the enlisted men will not exceed one to every fifteen pupils or fraction of that number. If there be no enlisted men present suitable for such detail, the commanding officer will apply to the Adjutant-General of the Army for the number required. For Saturdays and Sundays and during vacation but one teacher at each post will be allowed extra-duty pay, and he will be required to care for the schoolbooks and property and to teach the recruits and children. A school-teacher is not entitled to extra-duty pay while absent on furlough or on pass exceeding twenty-four hours.

358. The adjutant-general of each department will, under the direction of its commander, have a general supervision of the post schools of the department. He will make, annually, to the Adjutant-General of the Army a full report of their condition and progress, setting forth specifically any case of failure or neglect on the part of a post commander to take proper interest in them or to facilitate their operation. This report will accompany the annual report of the department commander. Twice each year reports will be rendered by officers in charge of schools on the prescribed forms, through post commanders, to the adjutant-general of the department, who will forward a consolidation thereof with his annual report.

359. Officers of the Inspector-General's Department will examine into the system of instruction, advise post commanders of defects, and suggest methods of improvement. They will endeavor to bring about uniformity in methods of management and instruction.

360. At posts where the number of children present will admit of it and where there are no convenient educational privileges, schools will be maintained at which the attendance of children of officers will be optional with parents and those of enlisted men compulsory. The sessions of children's schools will be during such hours of the day as commanding officers may direct.

361. The children of civilians living near a post may be permitted to attend the post school. In such cases the parents will, if able, pay a small compensation for the privilege and will supply the necessary books.

362. The officer in charge of the post school will regulate the character and methods of instruction and enforce necessary discipline. Enlisted men in attendance who misbehave will be duly reported to the post authorities. Harsh punishment will not be inflicted upon children. If not amenable to discipline, their conduct will be reported to the commanding officer, who will take the necessary action. For noncompliance with the rules of the school, children of officers may be deprived of its privileges.

ARTICLE XXXIX.

Post Exchanges.

363. Post exchanges are established and maintained under special regulations prepared by the War Department. These special regulations will be published and issued from time to time as necessity may demand.

364. On June 30 and December 31 of each year the commanding officer of a post at which an exchange is conducted will submit to the Adjutant-General of the Army, through military channels, a detailed report of the operations and financial condition of the exchange, accompanied by such remarks touching its effect upon the welfare of the command as he may deem it necessary to make for the information of the Commanding General of the Army and the Secretary of War; and when no exchange has been maintained at a post such fact will also be communicated to the Adjutant-General of the Army, through military channels, on the dates hereinbefore specified.

365. The sale of, or dealing in, beer, wine, or any intoxicating liquors by any person in any post exchange or canteen or army transport or upon any premises used for military purposes by the United States, is hereby prohibited. The Secretary of War is hereby directed to carry the provisions of this section into full force and effect. (Act of February 2, 1901.) Commanding officers will carry the provisions of the foregoing enactment of Congress into full force and effect, and will be held strictly responsible that no exceptions or evasions are permitted within their respective jurisdictions.

ARTICLE XL.

THE ARTILLERY CORPS.

THE CHIEF OF ARTILLERY.

366. It shall be the duty of the Chief of Artillery to keep the Commanding General of the Army, and through him the Secretary of War, advised at all times of the efficiency of the personnel and matériel of the artillery, and make such recommendations in reference thereto as shall in his judgment tend to promote efficiency.

2. He shall annually and as frequently as circumstances shall require inspect the coast and field artillery, and he shall from time to time and as frequently as once in each year report to the Commanding General, and through him to the Secretary of War, as to each coast defense fortification, whether the same is in all respects ready for use in case of attack and if not in what respects the preparations are defective.

3. He shall from time to time and as frequently as conditions require confer directly with the Chief of Ordnance, and advise him of all matters relating to the character and preparation of artillery materials which the experience and observation of the artillery arm of the service show to be of practical importance.

4. He shall have general supervision of the instruction of artillery officers and men and of examinations for promotion and for appointments and transfers of officers to the artillery arm, and shall recommend such examinations and such courses and methods of instruction in the artillery schools and otherwise as he shall deem requisite to secure a thoroughly trained and educated force.

5. He shall recommend officers for duty in coast or field artillery according to special aptitude and fitness, and is charged generally with the recommendation of officers of artillery for special duty.

6. Before any money is expended or any land is acquired for any seacoast fortification hereafter, he shall advise the Secretary of War through the Commanding General whether the project under which the expenditure is to be made includes adequate provision for all the different elements of a complete coast-defense establishment, including fortification, armament, and accommodations for the use of troops, whether the land which it is proposed to acquire will be sufficient for all the purposes mentioned, and how far the appropriations available provide for the entire work. For that purpose all projects and plans for coast-defense fortifications shall upon coming into the office of the Secretary of War be referred as of course, in the first instance, to the Chief of Artillery for his report thereon.

7. He shall be a member of the Board of Ordnance and Fortification.

8. The records pertaining to the performance of the duties of the Chief of Artillery will be kept in the office of the Adjutant-General of the Army, through whom all communications relating to personnel, discipline, efficiency, transfers, and assignments should be made in accordance with existing regulations.

9. Nothing in the foregoing regulations shall be deemed to relieve the commanders of the several military departments of the duties of inspection and command, or of responsibility for the condition and efficiency of the matériel and personnel of the artillery in their several departments as now provided by regulations.

REPORTS, RETURNS, AND MUSTER ROLLS.

367. Officers of artillery not belonging to batteries will be reported on the returns of the commands in which they may be serving, and, in addition, will until otherwise ordered make monthly personal reports to the Adjutant-General of the Army stating the nature of their duties, etc. The noncommissioned staff officers of artillery will also be reported in figures and by name on the monthly returns of the commands in which they are serving.

Commanding officers of batteries and companies of artillery will render monthly returns direct to the Adjutant-General of the Army. Monthly returns and bimonthly muster rolls of the artillery bands and muster rolls of the noncommissioned staff officers of the Artillery Corps will be made to the Adjutant-General by the commanding officers of the respective posts or stations at which they may be serving.

Commanding officers will prepare descriptive lists and accounts of pay and clothing of the noncommissioned staff officers, and will cause to be entered in post descriptive and clothing books the personal description and full record of, and an account of clothing drawn by each member of the artillery bands.

368. The officer commanding an artillery district has authority to appoint and reduce the noncommissioned staff officers and, on the recommendation of their respective commanders, the noncommissioned officers of bands, batteries, and companies. Where artillery organizations are detached or not serving in an artillery district, the foregoing authority is vested in the commanding artillery officer.

ARTICLE XLI.

CARE OF FORTIFICATIONS, ARMAMENT, AND EQUIPMENT.

369. At all artillery posts, forts, and stations the care and preservation of the guns, carriages, magazines, ammunition, and other artillery material, parapets, platforms, and grounds surrounding them, together with the torpedo systems and mine fields, will be divided among the companies constituting the garrisons thereof, and company commanders will be held to a rigid accountability for the proper performance of these duties. In order that all artillery organizations may be thoroughly instructed in the care and manipulation of all the kinds and calibers of guns, carriages, etc., changes will occasionally be made in the assignment of these duties to the different artillery organizations.

370. It is the duty of the artillery to care for the expensive, high-power engines of war which constitute a part of the lake and sea-coast defences of the United States. They will therefore be required to study their capabilities and their use under all circumstances, and the proper manipulation of range finders, converter-boards, etc., used with them, and also become thoroughly familiar with the torpedo systems and mine fields and with the charts of the harbors in which they are serving.

371. The instructions regarding the care and preservation of artillery material, contained in the authorized Manual of Heavy Artillery, will be observed by the commanding officer of each military post at which such material is used or stored. The methods described in the instruction pamphlets issued to company commanders for the mounting, using, and care of the various guns and carriages will be strictly followed.

372. Where electric light and power plants have been installed, they will be put in operation once a month. In firing boilers the temperature in the fire box should be raised very gradually to avoid sudden expansions of the metal shell. All machinery, such as engines, pumps, and boilers, will be kept in good working order at all times. The small amount of fuel required for the purpose of operating the power and light plants should be provided from the fuel allowances of the troops. Lubricating material and electrical supplies will be secured on quarterly requisitions from the proper supply departments.

373. Platforms, parapets, and the grounds surrounding them, the limits of which will be prescribed by post commanders, will be kept in proper police. Drains and sumps should be inspected weekly, and kept in order.

374. The ammunition service (trolleys and lifts) will be operated at intervals of not exceeding seven days, and the different working parts (pulleys, journals, etc.) kept clean and lubricated.

MOUNTING GUNS AND MORTARS.

375. The work of mounting heavy guns, mortars, or carriages in fortifications will, as a rule, be done by the artillery troops. This course will be followed habitually in all garrisoned fortifications which are neither in whole nor in part under the control of the Engineers.

376. When guns, etc., are to be mounted in a garrisoned fortification or in an ungarrisoned work upon a military reservation under the control of an artillery commander, these works being still in whole or in part under the control of the Engineers, the Engineer officer in charge of construction will, after consulting with the artillery commander, decide whether the mounting shall be done under his own direction and by the use of the machinery and labor of the Engineer Department, or under the direction of the artillery commander and by the labor of the troops. The former course will be followed whenever it is so desired by the Engineer Department, as being necessary to prevent interference with other work of construction upon the fortification, and the artillery commander will afford the Engineer officer in charge, and upon the latter's request, all possible assistance by the loan of machinery and by details from his command. In like manner, when the work is done under the direction of the artillery commander, the Engineer officer in charge will, with the approval of the Chief of Engineers, afford him whatever assistance may be practicable.

377. In fortifications which have been completed, but which are as yet ungarrisoned, the Engineer officer may himself conduct the work of mounting the guns, etc., using his own machinery and labor and, if necessary, the aid of materials and details from convenient artillery commands, which will be given on application to the department commander; or, if the Engineer officer so request, the department commander will direct that the work may be done entirely by the artillery troops.

378. If it be decided that the guns, etc., shall be mounted under the direction of the artillery commander, the latter will designate the most competent officer of his command to conduct the work, and this officer will confer from time to time with the Engineer officer with a view to so conduct it as not to inferfere with the Engineer work on the fortifications. If, in his judgment, it be necessary the commanding officer will apply to the department commander for the detail of an artillery officer from another command to conduct the work, and if such officer be not available he will request the services of an ordnance officer for that purpose.

379. When gun carriages and guns are to be assembled or mounted in sea-coast fortifications they shall be subject to the inspection of an officer of the Ordnance Department, both during process of erection and after its completion, in order to insure that all parts are correctly assembled and in proper working order. Such officer of the Ordnance Department shall, under instructions from the Chief of Ordnance, take all measures necessary, including, if deemed desirable, the firing of the piece, to give assurance of the perfect serviceability of the armament before it shall be turned over for use.

380. When engineer or artillery officers are about to commence the work of erection hereinbefore referred to, they will notify the Chief of Ordnance, who will, if in his opinion it is necessary, designate an officer to place himself in communication with the engineer or artillery officer with a view to being present at the proper time and with proper assistance and appliances for the performance of the duty hereby devolved upon him.

381. Installed armament shall be subject at any time to the inspection of ordnance officers, to be designated by the Chief of Ordnance, to see that it is in efficient condition for use, and to place it in such condition if it shall not be so. Department commanders will instruct commanding officers to furnish such assistance as may be necessary to carry out the inspections prescribed in the foregoing paragraphs and to perform necessary work on the armament.

382. The Engineer Department will supply and install all necessary electrical appliances and apparatus for furnishing light and power, including switch boards and instruments attached thereto and search-light equipments, with the exception of the motors permanently attached to the gun carriages; it will construct the necessary underground conduits or overhead lines for all wiring for light and power at the posts, exterior to buildings, and will furnish the necessary material and funds for the repair, operation, and preservation of all such instruments and apparatus when not used for post illumination.

383. The Ordnance Department will supply any motors to be attached to gun carriages, the necessary power lathes, machinists' tools, and tools and implements for the use of battery mechanics, and will make such repairs to guns and carriages as can not be made at the post.

384. Whenever the armament of the seacoast fortifications, or parts thereof, are in need of the services of skilled mechanics of the Ordnance Department, the ordnance officers of the forts are authorized, with the approval of their post commanders, to communicate directly with the commanding officers of arsenals, who have been instructed to comply with requests to furnish the necessary mechanics and materials. For this purpose applications should be made as follows, viz:

For the fortifications of the New England coast down to and including New London, Conn., to the commanding officer of the Watertown Arsenal, Watertown, Mass.

For the fortifications of New York Harbor, Delaware River, Baltimore, Washington, and Hampton Roads, to the commanding officer of the Sandy Hook Proving Ground, Sandy Hook, N. J.

For the fortifications of the South Atlantic and Gulf coasts from Wilmington, N. C., to Galveston, Tex., both inclusive, to the commanding officer of the Augusta Arsenal, Augusta, Ga.

For the fortifications of the Pacific coast to the commanding officer of the Benicia Arsenal, Benicia, Cal.

385. The Quartermaster's Department will furnish all fuel and engine supplies, such as waste, lubricating oils, oil lamps, brooms, brushes, etc., necessary for the repair, operation, and preservation of all plants used for post illumination as well as for the defenses, and such materials as may be needed for the use of the battery mechanics.

386. The Signal Department will supply all the necessary lines and means of electrical communication, including telephones, dials, and other telegraphs, wiring, all necessary electrical instruments not permanently attached to the switch board, and such special instruments as may be directed to be supplied by the Secretary of War.

387. Mechanical maneuvers will not be practiced with the new ordnance material, but will be confined to the old pattern of guns and carriages.

RANGE AND POSITION FINDERS.

388. Where no range and position finder has been installed, requisition will be made on the Ordnance Department for an auxiliary range and position finder, in which the height in feet of the instrument station above mean low tide shall be stated. Where necessary to supplement, or be used in place of the range finders, base-end instruments will be asked for. Requisitions will include plotting-board material. In the meantime arrangements will be improvised for position finding.

389. Where electrical installations have not already been made, requisitions on the Signal Department will at once be forwarded for necessary telephones, telephone and telegraph materials for connecting the batteries, base ends, and plotting stations.

390. The Signal Department will furnish all military posts and seacoast-defence stations with such instruments and materials as may be necessary for the electrical installation of range finders and the fire control system, for the purpose of inter-

communication. This includes telephonic and telegraphic instruments, electrical clocks, megaphones, field glasses, telescopes, and necessary meteorological instruments, i. e., barometers, thermometers, anemometers, etc. Also, all such cable and land lines as may be required to connect contiguous military posts, or for connecting the posts with the commercial telegraph system. The duty of furnishing such instruments and materials is by law imposed upon the Signal Corps, and proper requisition therefor will be promptly filled.

391. The following material will be furnished by the Engineer Department:

Towers for position finders, where necessary, and station houses for position finders, search lights, etc., protected in the best manner practicable. The interior dimensions of the position-finder stations will be approved by the Chief of Artillery.

A suitable electric light and power plant for each fort or detached battery, with all necessary accessories of sufficient capacity for post illumination, when so requested by the Quartermaster General.

Telephone booths for each gun platform.

Suitable arrangements near the battery for the installation of emergency range-finders and instruments for observation of fire. For this purpose two alternative positions, one at each flank of the battery and well back from the effects of the blast of the gun, are necessary.

392. The Ordnance Department will furnish: Angle-measuring instruments, replotting boards, difference disks, range scales, drawing instruments, material, etc., $500 per battery. Sights for giving direction only, for each gun (to be placed on sighting standard and to be provided with a device for giving deviations in minutes, right or left).

393. At all artillery posts not already provided with suitable charts, post commanders will have compiled the best charts possible for the use of their respective fire commands by detail of officers and men under their command from such data as may be on hand or readily obtainable. Suitable base lines will be laid off, carefully measured, and accurately marked on the harbor chart. Such charts have been prepared for the principal harbors by the Engineer Department, and copies will be furnished the Chief of Artillery upon his requisition.

394. Vessel tracking with the guns in connection with the range finder and converter board will be frequently practiced

MAGAZINES.

395. From the methods of construction necessarily employed and from their location, magazines of seacoast batteries are especially liable to dampness resulting from condensation of moisture upon the masonry surfaces when warm air from the outside is permitted to enter freely. In aggravated cases the condensation covers the walls and fittings with beads of moisture which collect into streams and trickle down the walls, forming pools of water on the floors. The injurious effects of dampness in magazines are manifested in the rapid deterioration of ammunition and the destruction of interior fittings of electric-light plants and ammunition conveyors. As condensation results from the warmer outer air coming in contact with the cooler masonry surfaces and depositing its moisture, an obvious remedy lies in the proper regulation of the ventilation.

Local climatic conditions exert a controlling influence on these phenomena and it is impracticable to lay down general regulations.

At each locality systematic experiment should be made to determine the proper course to follow to reduce dampness to a minimum. It is made the duty of all officers and especially of artillery commanders having charge of the batteries to give their continuous personal attention to the care of magazines and the preservation of their contents.

396. Smoking or fire will not be allowed in the vicinity of a magazine. Should a fire accidentally occur near by, the ventilator and windows will be immediately closed and the building covered with paulins or blankets saturated with water. No attempt should be made to remove the contents.

397. Such articles as loaded shells, fuses, friction primers, water caps, rockets, and fireworks will never be put in a magazine containing powder.

398. Loaded shells will not be fused until there is occasion for firing them.

399. Penthouses and other shelters of similar character for seacoast artillery will not be provided, and the deterioration of artillery material must be prevented by the unremitting care and watchfulness of the officers and troops to whom the use and care of the modern armaments are confided.

INSPECTIONS.

400. In order to properly carry out the spirit of the foregoing regulations, the weekly inspections of the various companies will be held—weather permitting—at the guns, for the care of which they are severally responsible. The regular monthly inspection of the post will include that of the guns, and thus the post commanders will be enabled to determine how well the company commanders have performed their duties, and what progress has been made in familiarizing the troops with the duties which are required of them. The last day of each quarter a report in writing of the inspection will be made by the post or battalion commanders through department headquarters for the information of the Commanding General of the Army.

401. In the annual reports of department commanders of their personal inspections as required by paragraph 211 of these regulations, the condition and working order of these batteries of position will be reported, but any case of neglect will be made the subject of a special report.

ARTICLE XLII.

VISITS TO LAKE AND SEACOAST DEFENSES.

402. Except by special authority of the Secretary of War, no persons, other than officers of the Army and Navy of the United States and persons in the service of the United States employed in direct connection with the use, construction, or care of these works, will be allowed to visit any portion of the lake and coast defenses of the United States without the written authority of the commanding officer in charge, to be given only for proper military reasons.

403. Special authority to visit defensive works granted by the Secretary of War will be limited to members of the United States Senate and House of Representatives, their public duties requiring them to take official action on matters connected therewith, and to the governor (or his adjutant-general) of the State in which the works are located, as commander in chief of the local militia instructed there.

404. Commanding officers, ordnance sergeants, and others in charge of fortifications or any means of lake or coast defenses will exercise great care in acting upon applications to visit the works, and will grant such only as may be warranted for good and sufficient military reasons.

405. The taking of photographic or other views of permanent works of defense will not be permitted. Neither written nor pictorial descriptions of these works will be made for publication without the authority of the Secretary of War, nor will any information be given concerning them which is not contained in the printed reports and documents of the War Department.

406. Commanding generals of departments will see that these regulations are carried into effect, and that the permission to visit the defenses referred to is only given for proper military reasons. They will also see that any dereliction of the duty herein enjoined is immediately observed and promptly met by appropriate discipline.

ARTICLE XLIII.

Artillery Practice.

407. At all posts with fixed batteries the position of every gun, mounted or to be mounted, will have its number, which will be placed on the gun when in position. The guns will be numbered in a regular series, commencing with the first gun on the left of the main entrance looking out. Where there are platforms temporarily unoccupied by guns they will be included in the regular series of numbering. The pieces of other batteries will be numbered from right to left.

408. At all posts with fixed batteries a book will be kept, known as the Post Book of Artillery Record, in which, under the direction of the post commander, will be entered the number of each mounted gun, its caliber, weight, names of founder and inspector, and other marks, the description of its carriage, whence received, date of receipt at post, and the greatest field of fire of the gun in position. This book will be furnished by the Ordnance Department; instructions for keeping it will be found in the front pages.

409. The commanding general of each department within which there are posts occupied by coast artillery will, with the approval of the Commanding General of the Army, select a competent field officer of artillery, not a colonel, to be attached to the department staff, who will be designated the artillery inspector. He will perform such duties in connection with his arm as may be assigned to him by the department commander, make such inspections of the artillery troops and material in the department as may be ordered by the Secretary of War, and report thereon to the department commander.

410. The commanding officer of each post where there are fixed batteries bearing upon a channel will call upon the Engineer Department for accurate charts showing the soundings within range of the guns. These charts will be elaborated as prescribed by instructions and general orders governing artillery practice.

411. The details of the methods of conducting the technical instruction of artillery troops, target practice with coast and field artillery, and the artillery competitions will be prescribed in orders and instructions issuing from the Headquarters of the Army. Any deviation from the prescribed methods must be sanctioned by the department commander.

412. All officers of artillery will be encouraged to submit, through proper channels, suggestions and devices for improving prescribed methods. Changes affecting the authorized Manual of Coast Artillery will be published in Artillery Memoranda from the Adjutant-General's Office.

413. The allowance of ammunition for the instruction of the coast and field artillery and for practice with machine guns will be determined each year and announced in general orders from the Headquarters of the Army.

414. Targets and target material for artillery practice will be provided by the Ordnance Department. The Quartermaster's Department will furnish all necessary assistance in placing, removing, and storing targets.

415. In addition to such reports as may be required by instructions and orders governing artillery practice, the commanding officer of a post, battery, or company will forward for the information of the Chief of Ordnance, on forms supplied by the Ordnance Department, a report of each shot fired in practice, instruction, and active service.

ARTICLE XLIV.

SMALL-ARMS PRACTICE.

416. Small-arms practice will be conducted in accordance with the authorized firing regulations and orders from the War Department. The period selected for practice on the range will be announced annually by department commanders, who will also publish the results of the firing and the names of qualified sharpshooters. All orders containing instructions to govern either preliminary methods or practice with the rifle, carbine, or revolver, will be issued from the Headquarters of the Army.

417. Reports as to the amount of instruction imparted and the degree of efficiency attained will be rendered only as required by the firing regulations for small arms, or by orders issued from the Headquarters of the Army. The necessary books and blanks will be supplied by the Ordnance Department.

418. The allowances of cartridges for target practice, together with the values of small-arms ammunition and of the component parts thereof, will be published annually in general orders.

419. The aggregate allowance of ammunition for any company will be expended at such times during the year as the department commander may direct, or, in the absence of specific directions, as the post and company commanders may determine. When not used in target practice, ammunition may, in the discretion of the post and company commanders, be expended in hunting.

420. Company commanders will keep a permanent record for each calendar year of the ammunition expended in target firing at each practice. Any expenditure in excess of authorized allowances will be charged to the officer accountable. Ammunition not expended at the end of the calendar year will be no longer available.

421. The Ordnance Department will provide the requisite targets, streamers, and flags. The quartermaster will set up the targets, prepare the range, and construct shelters for the markers. Flour for making paste for use in target practice will be issued by the commissary.

422. Where hunting for large game is practicable the men will be encouraged to hunt, and for this purpose company commanders may permit their men to purchase cartridges, if the supply warrants it, such sales to be accounted for on the returns of ordnance.

ARTICLE XLV.

ROSTER, DETACHMENTS, AND DAILY SERVICE.

THE ROSTER.

423. A roster is a list of officers or men for duty, with a record of the duty performed by each. Generally, details for duty are so made that the one longest off is the first for detail. Details so made are said to be made by roster.

424. All details for service in garrison and in the field, except the authorized special and extra-duty details, will be by roster; but officers or enlisted men, when detailed, must serve, whether a roster be kept or not. Having performed the service, they may appeal to superior authority if they deem themselves aggrieved.

425. The duties performed by roster are of two classes. The first comprises, (1) outposts; (2) interior guards, including stable guards; (3) detachments to protect laborers on military works; (4) armed working parties on such works. The second comprises all other duties and fatigue, in or out of the garrison or camp.

426. The rosters are distinct for each class. Officers are named on them in the order of rank. Details are made in succession according to roster, beginning at the head.

427. Lieutenant-colonels and majors are on one roster, and may be detailed when the importance of the duty requires it. In the field their roster is kept at division and brigade headquarters. Captains form one roster and are exempt from ordinary fatigue duties. A captain commanding a battalion is exempt from detail, and duty falling to him passes. Lieutenants form one roster, and first and second lieutenants are entered alternately. Sergeants, corporals, musicians, and privates form distinct rosters.

428. Officers, noncommissioned officers, and privates take duties of the first class in the order stated in paragraph 425, viz, the first for detail takes the outposts, the next the interior guards, and so on. In those of the second class the senior officer takes the largest party. The party first for detail takes the service out of camp.

429. In making details by roster, an officer or enlisted man is each day charged with the number of days that he has remained present and available since the beginning of his last four. Departures from this rule may be authorized by the commanding officer whenever a strict application would allow improper advantage or work hardship.

430. When an officer has been detailed and is not present or available at the hour of marching, the next after him takes the duty. When an outpost has passed the chain of sentinels, or an interior guard has reached its post, the officer whose tour it was can not take it unless so ordered by the commanding officer, but succeeds to the tour of the officer who has taken his.

431. Duties of the first class are credited on the roster when the guards or detachments have passed the chain of sentinels or an interior guard has reached its post; other duties, when the parties have entered upon their performance.

432. An officer or enlisted man on duty of the first class, or who is next for detail for such duty, is available, when relieved, for duty of the second class that has fallen to him during that time. Except in emergencies no duty will be required of the old officer of the day or the old guard until four hours after they have been relieved.

433. Soldiers march armed, and if necessary, fully equipped, on all duties of the first class.

434. In the cavalry, dismounted men and those whose horses are not fit for service are preferred for all dismounted details. Mounted men are never employed on such service if the number of dismounted men is sufficient.

435. In the field, every enlisted man of the cavalry detailed for dismounted service will, before he marches, take to the first sergeant of his troop his horse equipments and saddle, ready packed. In case of alarm the first sergeant sees that the horses of these men are equipped and led to the rendezvous.

436. Field and siege batteries serving with other troops will perform their own guard, police, and fatigue duty, and officers and men will be exempt from detail for other duty of like character, except when in the judgment of the post commander the necessities of the service will not permit such exemption, in which case he will immediately report his action and the circumstances to the department commander.

437. Detachments of the Signal Corps shall be exempt from detail for any other duty, except when, in the judgment of the commanding officer, the importance of the duty will not permit exemption, in which case he will immediately report the circumstances and his action to his superior commander.

DETACHMENTS.

438. As far as the exigencies of the service will permit, detachments for armed service will be formed by taking battalions, companies, platoons, or other subdivisions in turn, according to the roster.

439. Officers or enlisted men detailed for detached service while on other duty will be relieved from that duty if they can reach camp in time to march with the detachment.

440. When a detachment is to be formed from the different organizations of a command, the adjutant or adjutant-general forms its contingent, verifies the details and sends it to the place of assembly, or turns it over to the detachment commander.

441. When detachments meet, the command is regulated while they serve together as if they formed one command, but the senior officer can not prevent the commander of any detachment from moving when he thinks proper to execute the orders he has received.

442. On the return of a detachment its commander reports to the headquarters from which he received his orders.

DAILY SERVICE.

443. There should be daily at least two roll calls, viz, at reveille and retreat. Commanding officers may also order roll calls in special cases at such times as they deem necessary. The roll will be called on the company parade by the first sergeant, superintended by a commissioned officer. If companies are quartered together or in contiguous barracks, one officer may superintend the roll call of two or more of them provided he can do so efficiently, commanding officers regulating the practice in this regard. Ordinarily there will not be any formation for roll call at tattoo, but the prescribed signal will be sounded, and fifteen minutes thereafter lights in squad rooms will be extinguished and all noises and loud talking will cease. Call to quarters will be sounded af 10.45 p. m., and taps at 11. At taps all lights not authorized by the commanding officer will be extinguished and the first sergeant or other noncommissioned officer, as the company commander may direct, will inspect each company and report to the officer of the day the names of all unauthorized absentees. Reveille roll call in garrison will not ordinarily take place earlier than 5.30 a. m. in summer, or 6.30 a. m. in winter. At retreat roll call the troops are brought to parade rest and so remain during the sounding of retreat.

444. Mess call will be sounded daily as follows: For breakfast, fifteen minutes after reveille roll call; for dinner, not earlier than 12 m. nor later than 12.15 p. m.; for supper, not earlier than 5 nor later than 6.30 p. m. Meals for enlisted men will be served promptly at the hours appointed, and the duties of the post, as far as com-

patible with the requirements of the service, will be so arranged that all the enlisted men may be present. The men will be allowed at least twenty minutes for breakfast and supper and thirty minutes for dinner.

445. Except at the ceremony of parade, the result of a roll call will be reported after the companies have been dismissed, to the officer superintending the call, who will report the result to the commanding officer.

446. In camp and garrison the commanding officer fixes the hours for reports, issues, and roll calls, and for the performance of stated duties and fatigues. In garrison, retreat will be at sunset. The signals will be sounded by the field musicians in accordance with authorized drill regulations.

447. After breakfast, and after stable duty in the cavalry, the tents or quarters and adjacent ground will be policed by the men of the companies and the guard-house or guard tent by the prisoners, or by members of the guard if there be no prisoners.

448. The morning reports of the companies, signed by the company commanders and first sergeants, will be handed to the adjutant before 8 o'clock in the morning and will be consolidated by him within the next hour. The consolidated report will be signed by the commanding officer and the adjutant.

ARTICLE XLVI.

Honors, Courtesies, and Ceremonies.

HONORS.

449. The officers named below will be received with standards and colors dropping, officers and troops saluting, and the bands and field music playing, as follows: The President, the President's March; the General, the General's March; the Lieutenant-General or the Major-General Commanding the Army, trumpets sounding three flourishes or drums beating three ruffles; a major-general, two flourishes or two ruffles; a brigadier-general, one flourish or one ruffle.

450. To the Vice-President, the members of the Cabinet, the Chief Justice, the President of the Senate, the Speaker of the House of Representatives, American or foreign ambassadors, and governors within their respective States and Territories the same honors are paid as to the General; to the Assistant Secretary of War and to American or foreign envoys or ministers, the same honors as to the Lieutenant-General; to officers of the Navy the honors due to their assimilated or relative rank; to officers of marines and volunteers, and militia when in the service of the United States, the honors due to like grades in the regular service; to officers of a foreign service the honors due to their rank.

451. The national or regimental color or standard, uncased, passing a guard or other armed body will be saluted, the field music sounding "to the color" or "to the standard." Officers or enlisted men passing the uncased color will render the prescribed salute; with no arms in hand, the salute will be made by uncovering.

452. No honors are paid by troops when on the march or in trenches and no salute is rendered when marching in double time or at the trot or gallop.

453. The commanding officer is saluted by all commissioned officers in command of troops or detachments. Troops under arms will salute as prescribed in drill regulations.

454. All officers salute on meeting and in making or receiving official reports. Military courtesy requires the junior to salute first, but when the salute is introductory to a report made at a military ceremony or formation to the representative of a common superior—as for example, to the adjutant, officer of the day, etc.—the officer making the report, whatever his rank, will salute first; the officer to whom the

report is made will acknowledge by saluting, that he has received and understood the report. When under arms the salute is made with the sword or saber if drawn; otherwise with the hand. A mounted officer dismounts before addressing a superior not mounted.

455. On official occasions, officers when indoors and under arms do not uncover, but salute with the sword if drawn; otherwise with the hand. If not under arms, they uncover and stand at attention, but do not salute except when making or receiving reports.

456. When an enlisted man without arms passes an officer he salutes with the hand farthest from the officer. If mounted, he salutes with the right hand. Officers are saluted whether in uniform or not.

457. An enlisted man, armed with the saber and out of ranks, salutes all officers with the saber if drawn; otherwise he salutes with the hand. If on foot and armed with a rifle or carbine, he makes the rifle or carbine salute. A mounted soldier dismounts before addressing an officer not mounted.

458. A noncommissioned officer or private in command of a detachment without arms salutes all officers with the hand, but if the detachment be on foot and armed with the rifle or carbine, he makes the rifle or carbine salute, and if armed with a saber, he salutes with it.

459. An enlisted man, if seated, rises on the approach of an officer, faces toward him and salutes. If standing, he faces the officer for the same purpose. If the parties remain in the same place or on the same ground, such compliments need not be repeated. Soldiers actually at work do not cease work to salute an officer unless addressed by him.

460. An enlisted man makes the prescribed salute with the weapon he is armed with, or if unarmed, whether covered or uncovered, with the hand, before addressing an officer. He also makes the same salute after receiving a reply.

461. Indoors, an unarmed enlisted man uncovers and stands at attention upon the approach of an officer; he does not salute unless he addresses or is addressed by the officer. If armed he salutes as heretofore prescribed, without uncovering.

462. When an officer enters a room where there are soldiers, the word "Attention" is given by some one who perceives him, when all rise and remain standing in the position of a soldier until the officer leaves the room. Soldiers at meals do not rise.

463. Soldiers at all times and in all situations pay the same compliments to officers of the Army, Navy, and Marines, to officers of volunteers and officers of the militia in the service of the United States, as to officers of their own regiment, corps, or arm of service.

464. Officers will at all times acknowledge the courtesies of enlisted men by returning salutes given, in the manner prescribed in drill regulations. When several officers in company are saluted, all who are entitled to the salute return it.

SALUTES WITH CANNON.

465. Salutes will be fired between sunrise and sunset only, and, as a rule, not on Sunday. The national flag will always be displayed at the time of firing a salute.

466. The national salute is 21 guns. The salute to the Union, commemorative of the Declaration of Independence and consisting of one gun for each State, is fired at noon on July 4, at every post provided with suitable artillery.

467. The President, both on his arrival at and departure from a military post, or when in its vicinity, receives a salute of 21 guns. No other personal salute is fired in his presence.

468. The Vice-President and President of the Senate and American or foreign ambassadors receive a salute of 19 guns; members of the Cabinet, the Chief Justice,

the Speaker of the House of Representatives, a committee of Congress officially visiting a military post, and governors, within their respective States or Territories, receive 17 guns. A Governor-General receives a salute of 17 guns. The term "governor-general" shall be taken to mean an administrative officer under whom officers with the title of governor are acting. The Assistant Secretary of War, when officially visiting a military post, receives 15 guns.

469. American or foreign envoys or ministers receive 15 guns; ministers resident accredited to the United States, 13 guns; chargés d'affaires, 11 guns; consuls-general accredited to the United States, 9 guns.

470. The sovereign or chief magistrate of a foreign country receives the salute prescribed for the President; members of a royal family receive the salute due to their sovereign.

471. The General receives a salute of 17 guns; the Lieutenant-General Commanding the Army, 15 guns; a major-general, 13 guns, and a brigadier-general, 11 guns.

472. An officer assigned to duty according to his brevet rank is entitled to the salute prescribed for the grade to which he is assigned.

473. As a rule, a personal salute is fired when the personage entitled to it enters a post.

474. A general officer is saluted but once a year at each post, when notice of his intention to visit it has been given. A retired general officer making an official visit is saluted according to his grade. When several persons, each of whom is entitled to a salute, arrive together at a post, the highest in rank or position is alone saluted. If they arrive successively, each is saluted in turn.

475. Officers of the Navy are saluted according to their relative rank; officers of marines and of the volunteer forces or militia in the service of the United States and officers of foreign services are saluted according to rank.

476. The salute to a national flag is 21 guns.

477. It is the custom of foreign ships of war, on entering a harbor or passing near a fortification, to hoist at the fore the flag of the country in whose waters they are, and to salute it. On the completion of the salute to the flag, a salute of the same number of guns will be promptly returned by the nearest fort or battery. If there be several forts or batteries in sight, or within 6 miles of each other, the saluting station will return the salute. United States vessels return salutes to the flag in United States waters only when there is no fort or battery to do so. United States vessels do not salute United States forts or posts.

478. Saluting stations, for the purpose of returning the salutes of foreign men-of-war in the ports and territorial waters of the United States, will be designated in orders, from time to time, by the Adjutant-General of the Army.

479. When a civil functionary entitled to a salute arrives at a military post the commanding officer meets or calls upon him as soon as practicable, and will tender him a review, if the garrison consists of not less than four companies. When a general officer visits a post within his command, the troops will be paraded for review, unless he directs otherwise. When a salute is to be given an officer junior to another present at a post, the senior will be notified to that effect by the commanding officer.

480. The flag of a military post will not be dipped by way of salute or compliment.

VISITS AND COURTESIES.

481. Officers arriving at the headquarters of a territorial department, military command, or at a military post, will call upon the commander thereof as soon as practicable and register their names. If the visiting officer be senior to the commander, the former may send a card, in which case it becomes the duty of the commander to make the first call.

482. The interchange of official compliments and visits between foreign military and naval officers and the authorities of a military post is international in character and opens the way to official and social courtesies among the officers. In cases of vessels of war, foreign or otherwise, recently arrived, it is the duty of the post commander to send a suitable officer to offer civilities and assistance. This is called the "boarding visit," and it is expected that this civility will be returned. Within twenty-four hours thereafter, weather permitting, the officer in chief command of the ship or ships will visit the officer in command of the post or station, should the latter be his equal or superior in grade. This visit will be returned within twenty-four hours. Should the naval officer in command be superior in grade to the officer commanding the post or station the first visit will be paid by the latter.

483. The interchange of visits between governors-general, governors, and other officers administering insular governments, and officers of the Army and Navy, are governed by the following rules, which have received the approval of the Secretaries of War and the Navy: A definition of the term "governor-general" will be found in paragraph 468 of these Regulations.

All naval officers in command shall make the first visit upon the governor-general whatever the latter's military grade. Officers of the Army holding commands under a governor-general, or acting as governors of provinces, departments, or cities, shall make the first visit upon a naval commander in chief, if the latter is of equal or superior grade, as shall also civilian governors of provinces, departments, or cities.

If not a commander in chief, the first visit shall be made by the senior naval officer upon officers of the Army holding command under a governor-general, or acting as governors of provinces, departments, or cities, if the latter are equal or superior in grade, and upon civilian governors of provinces, departments, or cities.

Should the governor-general be a civilian, and therefore not holding direct military command, the naval commander in chief shall make the first visit, both upon the governor and the army officer in chief command of troops in the island or group of islands, if the latter is of equal or superior grade.

Visits should be exchanged under the above rules between a naval commander in chief or senior naval officer: (1) With the governor; (2) the governor of a province, department, or city; (3) the army officer in chief command at a place where there is a civil governor.

Should the governor-general, or any other officer administering the government of an island, find that from indisposition or pressure of important business he is unable to pay or return these visits in person, he will depute his aid-de-camp or some other officer to do so. In like manner, should a naval commander in chief, from indisposition or pressing occupation, be precluded from paying or returning these visits, he will depute an officer not below the rank of flag lieutenant to do so. In each case the officer failing to pay the required visit in person will report the circumstances, and assign the reasons which led to the omission, to the Department under which he is acting.

484. When a military commander officially visits a vessel of war, he will give notice in advance of his intention to do so. He is received at the gangway by the commander of the vessel and is accompanied there by the same officer when leaving. The officer who is sent with the customary offer of civilities is met at the gangway of a vessel of war by the officer of the deck, and is presented by the latter to the commander of the vessel.

485. A vessel of war is approached and boarded, by commissioned officers, by the starboard side and gangway. In entering a boat, the junior goes first and other officers follow in order of rank; in leaving a boat, the senior goes first. The latter acknowledges the salutes which are given at the gangway of a naval vessel.

486. Naval vessels fire personal salutes to officers entitled to them when the boats containing them have cleared the ship. It is an acknowledgment of the salute by

the officer saluted for his boat to lie on her oars from the first until the last gun and for him to uncover; at the conclusion, to give way. Personal salutes are not returned by military posts.

487. In case of vessels of war of foreign powers at peace with the United States lying in our ports or harbors and celebrating their national festivities, the commander of each fort, battery, or military post may participate in the celebration by firing salutes, parading commands, etc. In such a case the flag of the United States will be hoisted and lowered simultaneously with that of the ship on board of which the celebration occurs.

ESCORTS OF HONOR.

488. Escorts of honor may be composed of cavalry, artillery, or infantry, or of all arms, according to the circumstances. They are detailed for the purpose of receiving and escorting personages of high rank, civil or military, when they arrive and depart. The troops for this purpose will be selected for their soldierly appearance and superior discipline, and are formed and maneuvered as prescribed in the authorized drill regulations. The post commander in each case will detail an officer to attend the personage escorted, and bear communications from him to the commander of the escort.

FUNERAL HONORS.

489. On the receipt at any post or camp of official notice of the death of the President of the United States, the commanding officer will, on the following day, cause a gun to be fired every half hour, beginning at sunrise and ending at sunset. When posts are in sight or within 6 miles of each other the firing will take place only at the post commanded by the senior officer.

490. On the day of interment of a Secretary of War or the Commanding General of the Army a gun will be fired every half hour, beginning at sunrise, until the funeral procession moves.

491. The orders announcing the death of a general officer on the active or retired list, or other person entitled to a salute of cannon, will specify the number of guns to be fired at half-hour intervals, commencing at 8 o'clock a. m. on the day after the receipt of the order. During the firing the flag will be displayed at half-staff. The number of guns to which the deceased was entitled will be fired. The posts at which they shall be fired will be designated in the orders.

492. When the funeral of an officer, who was entitled to a salute, takes place at or near a military post, minute guns will be fired while the remains are being borne to the place of interment, but the number of guns will not exceed that to which the officer was entitled as a salute. After the remains are deposited in the grave a salute corresponding to the rank of the deceased will be fired, in addition to three salvos of artillery or three volleys of musketry.

493. If the remains of a flag officer of the Navy are brought ashore in the vicinity of a military post, the flag will be displayed at half-staff and minute guns will be fired as the procession moves. The number of guns will be that to which the officer was entitled as a salute.

494. During the funeral of a civil functionary, who was entitled to a salute, the flag is displayed at half-staff and minute guns are fired.

495. On the death of an officer at a military post the flag is displayed at half-staff and so remains, between reveille and retreat, until the last salvo or volley is fired over the grave; or if the remains are not interred at the post, until they are removed therefrom.

496. During the funeral of an enlisted man at a military post the flag is displayed at half-staff. It is hoisted to the top after the final volley or gun is fired, or after the remains are taken from the post. The same honors are paid on the occasion of the funeral of a retired enlisted man.

497. All military posts in sight of each other display their flags at half-staff upon the occasion of one doing so. The same rule is observed toward all vessels of war.

498. When the flag is displayed at half-staff it is lowered to that position from the top of the staff. It is afterwards hoisted to the top before it is finally lowered.

499. The funeral escort of the Secretary of War or General of the Army will consist of a regiment of infantry, a squadron of cavalry, and two batteries of field artillery; of the Lieutenant-General a regiment of infantry, a squadron of cavalry, and a battery of field artillery; of a major-general, a regiment of infantry, two troops of cavalry, and a battery of field artillery; of a brigadier-general, a regiment of infantry, a troop of cavalry, and a platoon of field artillery; of a colonel, a regiment; a lieutenant-colonel or major, a battalion or squadron; a captain, one company; a subaltern, a platoon. The funeral escort of a general officer, or of any other officer either on the active or retired list, when the funeral occurs at any other place than a military post or camp, will be ordered by the Commanding General of the Army, with the approval of the Secretary of War, and will be composed of such bodies of troops, not exceeding the number prescribed in this paragraph, as the interests of the service will permit. But in all cases where the funeral ceremonies take place at or in the immediate vicinity of a military post, or where the remains are conveyed through a military post en route to the place of burial, the above regulation relative to escort will be complied with, so far as the strength of the garrison will allow. The flag will be at half-staff while the remains are at or in the immediate vicinity of the post and the department or post commander will give the necessary orders.

500. The funeral escort of an officer will be commanded by an officer of the same grade; if none such be present, by one of the next lower grade. The ceremony is prescribed in the drill regulations.

501. The funeral escort of a noncommissioned staff officer will consist of sixteen rank and file, commanded by a sergeant; of a sergeant, of fourteen rank and file, commanded by a sergeant; of a corporal, of twelve rank and file, commanded by a corporal; of a private, of eight rank and file, commanded by a corporal.

502. The funeral escorts of officers of field artillery will be as follows: Colonel, twelve pieces; lieutenant-colonel and major, eight pieces; captain, four pieces; lieutenant, two pieces. The escort of an enlisted man will consist of one piece. Caissons need not accompany the pieces.

503. Six pallbearers will be selected from the grade of the deceased, or from the next grade above or below.

504. Officers and enlisted men attending military funerals wear uniform and side arms and in the funeral procession follow the mourners in order of rank. The funeral of an officer is attended by such officers of the post or organization in the field as other duties will permit. The funeral of a noncommissioned officer is attended by the noncommissioned officers and privates of the regiment, or such part of it as may be present and can be spared from other duties; that of a private by the noncommissioned officers and privates of his company.

505. The badge of military mourning is a knot of black crape worn upon the sword hilt for a period not to exceed thirty days.

506. As family mourning, officers may wear a straight band of crape five inches wide around the left arm above the elbow.

507. The drums of a funeral escort will be covered with black crape or thin black serge, furnished by the quartermaster.

508. The colors of a regiment will not be placed in mourning or draped, except when ordered from the War Department. Two streamers of crape seven feet long and about twelve inches wide attached to the ferrule below the spearhead will be used.

509. Funeral honors will be paid to deceased officers without military command in accordance with their grades.

CEREMONIES.

510. All ceremonies will be conducted as prescribed in the authorized drill regulations.

511. There will be daily one parade, morning or evening, as the commanding officer may direct, which will not be dispensed with except on urgent occasions. All officers and men will be present unless specially excused or on duty incompatible with such attendance.

512. At every military post or station the flag will be hoisted at the sounding of the first note of the reveille, or of the first note of the march, if a march be played before the reveille. The flag will be lowered at the sounding of the last note of the retreat, and while the flag is being lowered the band will play The Star Spangled Banner.

513. Troops will be mustered for pay on the last day of each month unless otherwise ordered by the Secretary of War. When the commanding officer can not muster all the troops he will designate other officers to assist.

514. Each stated muster will, when practicable, be preceded by a minute and careful inspection. If the command consists of more than one company, the inspection will be preceded by a review. If the day for muster falls on Sunday, such review and inspection will be omitted.

515. The ceremony of "Escort of the colors" should be so conducted as to render it one of the most impressive to the soldier, especially to the young recruit, of all the functions in which he is required to participate. Proper salutes will be observed by all persons in the military service, not under arms, during the raising and lowering of the national emblem.

516. On Memorial Day, May 30, at all army posts and stations, the national flag will be displayed at half staff from sunrise till midday, and immediately before noon the band, or field music, will play a dirge, Departed Days, or some appropriate air, and the national salute of twenty-one guns will be fired at 12 m. at all posts and stations provided with artillery. At the conclusion of this memorial tribute, at noon, the flag will be hoisted to the top of the staff and will remain there until sunset. When hoisted to the top of the staff the flag will be saluted by playing one or more of the national airs. In this way fitting testimonial of respect for the heroic dead and honor to their patriotic devotion will be appropriately rendered.

517. The national holidays will be celebrated with appropriate ceremonies, including the reading of the Declaration of Independence, Washington's Farewell Address, or the Constitution of the United States, and such other exercises as will tend to promote respect and reverence for the institutions of our country.

ARTICLE XLVII.

GUARDS.

518. The authorized Manual of Guard Duty is the guide in all matters relating to duties of guards not contained in these regulations.

519. Articles of camp and garrison equipage needed for strictly post or police purposes—as flags, spades, shovels, axes, hatchets, pickaxes, and brooms—will be issued by the quartermaster on special requisition of the officer of the guard or officer of the day, approved by the post commander. These articles will be receipted for by the officer making the requisition and dropped from the quartermaster's returns; articles other than those herein enumerated will be continued on his returns.

520. Articles so obtained will be duly entered, by the officer who receives them, on the guard report under the heading "Articles in charge." They will be carried on the report and daily receipted for by the successive officers of the guard or day. When no longer fit for use they will be submitted for inspection, and, if condemned, disposed of as ordered.

521. An officer who receipts for property so carried on the guard report is not required to render returns thereof. He is relieved from accountability for it by the receipt of his successor.

ARTICLE XLVIII.

MAPS AND RECONNAISSANCES.

522. The commanding officer of every body of troops ordered to march will select a competent person, preferably a commissioned officer, to whom he will intrust the special duty of making the field notes and sketches and keeping the journals hereinafter mentioned for the preparation of a map of the route traversed. The person so selected will be relieved of so much of his routine duties as will enable him to perform this duty. Daily or more frequently the commanding officer will inspect and verify the notes and journal.

523. Journals of marches will be kept in notebooks, and route reconnaissances will be recorded on blanks. The books and blanks will be furnished by the Engineer Department. If they can not be obtained they will be prepared according to standard forms as nearly as practicable.

524. Notebooks will be freely used, and to guard against loss of valuable data copies will be made, verified, and retained, and the originals forwarded to department headquarters at every convenient opportunity. Whenever a sufficient halt is made a map of the route up to that point, together with a report thereon, will be transmitted in the same manner. These notes will not be omitted when passing over known routes.

525. General instructions for the use and preservation of instruments, the character of the observations to be specially made and the methods of recording them will be found in printed notes in the book and on the form which the Engineer Department supplies.

526. Requisitions will be made upon the Engineer Department for the necessary instruments, notebooks, and reconnaissance blanks.

ARTICLE XLIX.

THE MILITARY ACADEMY.

527. The United States Military Academy at West Point, N. Y., constitutes an independent command from which all reports and returns are made direct to the Adjutant-General of the Army; it is governed by special regulations which are prepared and promulgated by the Secretary of War.

528. Leaves of absence for three months, from date of graduation, will be allowed to graduates of the Military Academy. They will not be counted against them in subsequent applications for leave, but can not be postponed to another time.

529. No person who has been a cadet at the Military Academy is to be deemed under any circumstances entitled to receive a commission in advance of the graduation of his class. Under the act of Congress approved March 2, 1901, no soldier who has been expelled from the Military Academy for hazing will be commissioned until two years after the graduation of the class of which he was a member.

ARTICLE L.

THE ARMY WAR COLLEGE. THE SERVICE SCHOOLS.

THE ARMY WAR COLLEGE.

530. The Army War College having for its object the direction and coordination of the instruction in the various service schools, the extension of the opportunities for investigation and study in the Army and Militia of the United States, and the collection and dissemination of military information, constitutes an independent command under the immediate direction of the Secretary of War. The staff of the College, the theoretical and practical work to be carried on, and the names of officers who may be selected to receive general staff instruction will be announced in orders, from time to time, by the Adjutant-General of the Army.

THE UNITED STATES ENGINEER SCHOOL.

531. The United States Engineer School, at Willets Point, N. Y., constitutes an independent command under the immediate direction of the Chief of Engineers. The selection of the staff and of the engineer officers who are to undergo instruction is made by the Chief of Engineers with the approval of the Secretary of War.

532. The commanding officer of each cavalry and infantry regiment may, on the 1st day of September of each year, nominate to the Commanding General of the Army one subaltern for detail at the United States Engineer School at Willets Point, for a course of instruction in torpedo service, topography, and practical military engineering, commencing on the 1st day of December and ending on the 1st of October following. The nominations thus made will be forwarded through the regular military channels. Similar instruction will be given to such officers of artillery as may be designated for that purpose by the Chief of Artillery. The officers of the line ordered to instruction duty under the operation of this paragraph will perform such duties as may be assigned to them by the commanding officer of the school.

533. The conditions governing the detail will be determined each year and announced in orders from the Headquarters of the Army.

THE ARTILLERY SCHOOL.

534. The Artillery School at Fort Monroe, Va., constitutes an independent command, from which all reports and returns are made direct to the Headquarters of the Army. It is governed by special regulations.

535. The Artillery School shall consist of a commandant, an adjutant, such instructors as may be detailed, and such troops, officers, and enlisted men as may be assigned to it for duty or instruction by orders from Headquarters of the Army.

The general administration of the school is intrusted to the commandant. The head of each department of instruction will conduct the work of his department.

The commandant and heads of departments of instruction shall constitute a board of artillery for the general service, to which may be referred from time to time all subjects pertaining to artillery upon which the General Commanding the Army may desire its opinion and recommendation. The secretary of the school board will act as recorder of the artillery board and will keep a separate record of its proceedings.

536. The regular course shall be for one year, beginning September 1 of each year. The officers detailed for attendance at this school shall be:

1. From those recently appointed and not graduates from the Military Academy.
2. Those below the rank of captain who have been longest in the service and not already graduates of the Artillery School.
3. Those officers of whatever rank who may desire to take the course or any portion of it when their services can be spared.

Officers detailed for attendance will report by August 15 for preliminary examinations.

THE SCHOOL FOR ELECTRICIAN SERGEANTS.

537. The school for electrician sergeants at Fort Monroe, Va., is a branch of the Artillery School. The plan of organization and instruction, the conditions of admission, the course of study, and the time to be devoted to the different subjects will be prescribed by the officer in charge of the school, subject to the approval of the commanding officer of the Artillery School and the Commanding General of the Army.

THE INFANTRY AND CAVALRY SCHOOL.

538. The Infantry and Cavalry School at Fort Leavenworth, Kans., is governed by special regulations, and will have the following organization:

1. The commanding officer of the post of Fort Leavenworth, Kans., shall be the commandant of the school.
2. The senior officer on duty with the school pursuant to orders from the War Department shall be the assistant commandant of the school.
3. The staff of the school shall consist of the assistant commandant and the instructors in charge of departments.
4. The instructors shall be assisted by such number of assistant instructors, designated by the commandant, as may be required.
5. There shall be a secretary of the school, appointed by the commandant.
6. The officers designated as members of the student class are detailed in orders from the Headquarters of the Army.
7. The enlisted force and the equipment of the several organizations on duty at the post shall be available for the practical instruction of officers of the student class in field operations and drill regulations at such times as may be determined by the commandant.
8. The course of instruction shall be as provided for in the programme of instruction. It shall embrace two years, each year to constitute one term.
9. The first year's course shall begin on the 15th of September, unless that date falls on Saturday or Sunday, when it shall begin on the following Monday. It shall end on the 31st of May. The month of August following shall be devoted to such practical exercises in the field as may be directed by the commandant.
10. The second year's course shall embrace the period between the 1st of September and the 31st of May following.
11. The staff shall note the names of the students who may have shown marked proficiency in any branch, and shall state the professional employments for which any of them appear to be specially qualified. The staff shall also note the names of officers of the distinguished grade, not to exceed five, to be borne on the Army Register as "Honor graduates."

12. When an officer has graduated in the distinguished class, that fact, with a transcript from the records of the school setting forth the branches in which he has been especially distinguished and the recommendations given in his case by the staff of the school, shall be communicated to the colonel of his regiment.

539. Commanding officers of regiments will be directed from Headquarters of the Army to make preliminary selection of officers and of alternates one year in advance of the date of entrance at the school, and such officers or alternates will, at the proper time, be detailed at the school, except for cogent reasons to the contrary; but no officer will be selected who is not physically qualified for active service. A list of the names of officers and alternates selected will be sent from the Adjutant-General's Office to the commandant, who will cause the programme of instruction and list of authorized text-books to be sent to them.

THE CAVALRY AND LIGHT ARTILLERY SCHOOL.

540. The Cavalry and Light Artillery School at Fort Riley, Kans., is governed by special regulations and includes a subschool of practice for each of those arms. The school is for the purpose of instruction in the combined operations of cavalry and light artillery.

541. The school will have the following organization:

a. Such number of squadrons of cavalry, not exceeding three; such number of batteries of light artillery, not exceeding five; and such other officers and enlisted men as may be there assigned for instruction.

b. The troops of each arm shall constitute a subschool of practice.

c. The commandant shall be a colonel of cavalry, but in his absence the senior officer of cavalry or artillery present will command.

d. The director of the subschool for cavalry shall be the senior officer of cavalry present, next to the commandant.

e. The director of the subschool for artillery shall be the senior officer of artillery present.

f. The staff of the school shall consist of the commandant and all field officers of artillery and cavalry present at the post.

g. A secretary of the school appointed by the commandant.

THE ARMY MEDICAL SCHOOL.

542. The Army Medical School, at Washington, D. C., is governed by special regulations, and will have the following organization:

1. The faculty will consist of four or more professors selected from the senior officers of the Medical Department stationed in or near the city of Washington, and such associate professors as may be required. The senior officer will be president, and the junior, secretary of the faculty.

2. The student officers will be selected by the Surgeon-General from those medical officers who have been appointed since the last preceding term of the school, and such others as may be authorized to attend.

543. The course of instruction will be for five months, and will be given annually at the Army Medical Museum, in Washington, D. C., commencing on the first Monday of November. It will include lectures on and practical instruction in—

1. The duties of medical officers in war and peace.

2. Military surgery, the care of the wounded in time of war, and hospital administration.

3. Military hygiene.

4. Military medicine.

5. Microscopy, sanitary and clinical; pathological histology, bacteriology, and urinology.

6. Hospital Corps drill, and first aid to wounded.

ARTICLE LI.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

544. The insane of the military service will be sent by department commanders, under proper escort, to Washington, D. C., where they will be reported to the Adjutant-General of the Army, that the orders of the Secretary of War for admission to the Government Hospital for the Insane may be obtained.

545. The following classes of persons are, by law, entitled to admission to the asylum: (1) Officers and enlisted men of the regular or volunteer forces, who have become insane while in the military service, or within three years after their discharge therefrom, for causes which arose during, and were caused by such service; (2) inmates of the Soldiers' Home, and of the National Home for Disabled Volunteer Soldiers; (3) civilian employees of the Quartermaster's, Subsistence, and Pay Departments who may become insane during such employment; (4) military convicts.

546. An application for admission to the hospital will be forwarded in time to reach the Adjutant-General of the Army at least one day before the arrival of the patient. It will contain a full description of the patient, and will be accompanied by a certificate of the post surgeon containing the diagnosis and a detailed account of the medical history of the case. If the patient be a soldier, his descriptive list and certificates of disability will accompany the application. He will not be discharged from the service except by order of the Secretary of War after his arrival at the hospital.

547. An insane soldier will be escorted by a noncommissioned officer. When a number are sent at one time, or when the patient or patients are violent, the department commander may order such addition to the escort as may be necessary. The noncommissioned officer will report to the Adjutant-General of the Army by telegraph, at least twenty-four hours in advance, the probable time and place of arrival in Washington. After leaving the patient at the asylum, the noncommissioned officer will report to the Adjutant-General of the Army for further instructions.

548. On the departure of the patient from his station, the commanding officer will give such orders to the person in charge as will provide for transportation of the necessary attendants to the institution and returning to their posts, also subsistence during their absence. When payment of commutation, in lieu of subsistence in kind, is permissible under paragraph 1410, the commanding officer may, in writing, order commutation for the patient to be paid in advance to, and receipted for by, the noncommissioned officer to whose charge the patient is committed.

549. To obtain the release of a patient when cured, or his delivery to the care of friends, application must be made to the Adjutant-General of the Army, accompanied by the recommendation of the superintendent of the hospital.

ARTICLE LII.

INDIANS.

INDIAN COUNTRY, ETC.

550. If any commanding officer of a military post has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, he may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court. It shall, moreover, be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under sections 2139 and 2140, Revised Statutes, Indians shall be competent witnesses. It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing from the War Department or any officer duly authorized thereunto by the War Department.

551. The Indian country within the meaning of the foregoing paragraph may be defined, in general, as the Indian Territory, Indian reservations, or districts occupied by Indian tribes and to which the Indian title has not been extinguished; or sections of country over which the operation of the Indian trade and intercourse laws has been retained by Indian treaty stipulations. Should any case arise which, in the opinion of the department commander, does not appear to be embraced within these definitions, he will report it to the Secretary of War, in order that the question whether the location is Indian country may be authoritatively determined.

552. When lands are secured to the Indians by treaty against occupation by the whites the military commanders will keep intruders off the same by military force if necessary, until such time as the Indian title is extinguished or the lands are opened by Congress for settlement.

553. When questions arise as to the ownership of animals in possession of Indians, the commanding officer of the nearest military post is authorized and directed to act in conjunction with the agent in charge of said Indians in the investigation and determination of ownership.

554. The introduction into the Indian country for the purpose of sale to, or exchange with Indians of any breech-loading firearms and of any special ammunition adapted to them, and the sale and exchange to Indians in the Indian country of any such arms or ammunition is prohibited. The introduction into the country or district occupied by any tribe of hostile Indians, for the purpose of sale or exchange to them, of arms or ammunition of any description, and the sale or exchange thereof to or with such Indians, is prohibited; and all such arms or ammunition introduced by traders or other persons, and which are liable in any manner to be received by such hostile Indians, shall be deemed contraband of war, to be seized by any officer and confiscated.

555. Supplies, stores, and property of any kind procured out of Army appropriations will not be transferred, in any way or under any circumstances, for the use of Indians except under authority first obtained from the Secretary of War. Any officer violating the terms of this regulation will be charged with the money value of the supplies, stores, or property transferred, and in addition be otherwise held

accountable, according to circumstances. But this paragraph will not be construed to prohibit the issue of small quantities of subsistence stores to Indians visiting military posts, as authorized in section 2110, Revised Statutes.

556. Indians held as prisoners of war are entitled to receive necessary subsistence, clothing, medicines, and medical attendance. There is no authority of law permitting such supplies and attendance to be furnished to Indians under the care and management of the Interior Department. All Indian prisoners will be reported on the post returns under the following form:

Name of tribe.	Number of men.	Number of women.	Number of children above 12 years of age.		Number of children 12 years of age and under.		Date of capture.	Gain.	Loss.	Total.	Total last return.	Remarks.
			Male.	Female.	Male.	Female.						

PURCHASES FROM INDIANS.

557. Purchases of cattle, hay, grain, fuel, or other produce or merchandise which Indians may have for sale and which may be required for the military service may, with the approval of the Secretary of War, be made from Indians in open market, at fair and reasonable prices, but not exceeding the market prices in the localities where such purchases are made.

INDIAN SCOUTS.

558. Indians employed as scouts under the provisions of sections 1094 and 1112, Revised Statutes, will be enlisted for periods of three years and discharged when the necessity for their services shall cease. While in service they will receive the pay and allowances of cavalry soldiers and an additional allowance of 40 cents per day, provided they furnish their own horses and horse equipments; but such additional allowance will cease if they do not keep their horses and equipments in serviceable condition.

559. Department commanders are authorized to appoint the sergeants and corporals for the whole number of enlisted Indian scouts serving in their departments, but such appointments must not exceed the proportion of one first sergeant, five sergeants, and four corporals for sixty enlisted Indian scouts.

560. The number of Indian scouts allowed to military departments will be announced from time to time in orders from the Headquarters of the Army.

561. The enlistment and reenlistment of Indian scouts will be made under the direction of department commanders. The appointment or mustering of farriers or blacksmiths on the rolls of Indian scouts is illegal.

562. In all cases of enlistment of Indians the full Indian name, and also the English interpretation of the same, will be inserted in the enlistment papers and in all subsequent returns and reports concerning them.

ARTICLE LIII.

EMPLOYMENT OF TROOPS IN THE ENFORCEMENT OF THE LAWS.

563. It is unlawful to employ any part of the Army of the United States, as a posse comitatus or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and any person willfully violating this provision will be deemed guilty of a misdemeanor, and, on conviction thereof, will be punishable by a fine not exceeding $10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment. *Act of June 18, 1878 (20 Statutes at Large 145).*

564. The provisions of the Constitution and of acts of Congress understood as intended to be excepted from the operation of the preceding paragraph, authorizing the employment of the military forces for the purpose of executing the laws, are as follows:

ARTICLE IV OF THE CONSTITUTION.

§ 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

REVISED STATUTES OF THE UNITED STATES.

CIVIL RIGHTS.

SEC. 1984. The commissioners authorized to be appointed by the preceding section [sec. 1983] are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land and naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued.

SEC. 1989. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this title.

SEC. 1991. Every person in the military or civil service in the Territory of New Mexico shall aid in the enforcement of the preceding section [abolishing peonage].

INDIANS.

SEC. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as he may judge necessary to remove any such person from the lands.

SEC. 2147. The Superintendent of Indian Affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for manufacturing ardent spirits set up or continued within the Indian country.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

SEC. 2152. The superintendents, agents, and subagents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

THE PUBLIC LANDS.

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That if any person or persons shall, after the passing of this act, take possession of, or make a settlement on any lands ceded or secured to the United States, by any treaty made with a foreign nation, or by a cession from any State to the United States, which lands shall not have been previously sold, ceded, or leased by the United States, or the claim to which lands, by such person or persons, shall not have been previously recognized and confirmed by the United States; or if any person or persons shall cause such lands to be thus occupied, taken possession of, or settled; or shall survey, or attempt to survey, or cause to be surveyed, any such lands; or designate any boundaries thereon, by marking trees, or otherwise, until thereto duly authorized by law, such offender or offenders shall forfeit all his or their right, title, and claim, if any he hath, or they have, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, which he or they shall have taken possession of, or settled, or cause to be occupied, taken possession of, or settled, or which he or they shall have surveyed, or attempt to survey, or cause to be surveyed, or the boundaries thereof he or they shall have designated, or cause to be designated, by marking trees or otherwise. And it shall moreover be lawful for the President of the United States to direct the marshal, or officer acting as marshal, in the manner hereinafter directed, and also to take such other measures, and to employ such military force as he may judge necessary and proper, to remove from lands ceded or secured to the United States by treaty or cession as aforesaid any person or persons who shall hereafter take possession of the same, or make, or attempt to make, a settlement thereon, until thereunto authorized by law. And every right, title, or claim forfeited under this act shall be taken and deemed to be vested in the United States, without any other or further proceedings: *Provided*, That nothing herein contained shall be construed to affect the right, title, or claim of any person to lands in the Territories of Orleans or Louisiana before the boards of commissioners established by the act intituled "An act for ascertaining and adjusting the titles and claims to land within the Territory of Orleans and the District of Louisiana," shall have made their reports and the decision of Congress been had thereon.

[Section 1 of an act approved March 3rd, 1807, perpetuated by sec. 5596, Revised Statutes.]

The Secretary of War, upon the request of the Secretary of the Interior, is hereafter authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein. *Act of June 6, 1900 (31 Stat. L. 618)*.

The President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosures of said (public) lands, and to employ civil or military force as may be necessary for that purpose. *Act of February 25, 1885 (23 Stat. L. 321)*.

THE PUBLIC HEALTH.

SEC. 4792. The quarantines and other restraints established by the health laws of any State respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue cutters, and by the military officers commanding in any fort or station upon the seacoast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. * * *

EXTRADITION.

SEC. 5275. Whenever any person is delivered by any foreign government to an agent of the United States for the purpose of being brought within the United States and tried for any crime of which he is duly accused, the President shall have power to take all necessary measures for the transportation

and safe-keeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the crimes or offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such crimes or offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused.

NEUTRALITY.

SEC. 5286. Every person who, within the territory or jurisdiction of the United States, begins or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state or of any colony, district, or people with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars and imprisoned not more than three years.

SEC. 5287. * * * In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this title; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States or of the militia thereof for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to the execution of the prohibitions and penalties of this title, and to the restoring of such prizes in the cases in which restoration shall be adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

SEC. 5288. It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

INSURRECTION.

SEC. 5297. In case of an insurrection in any State against the government thereof it shall be lawful for the President, on application of the legislature of such State, or of the executive when the legislature can not be convened, to call forth such number of the militia of any other State or States which may be applied for as he deems sufficient to suppress such insurrection, or, on like application, to employ for the same purposes such part of the land or naval forces of the United States as he deems necessary.

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce by the ordinary course of judicial proceedings the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed.

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof and of the United States as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities or protection named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect or from any cause fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States, and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy opposes or obstructs the laws of the United States or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces of the United States, or of either, or by other means, as he may deem necessary for the suppression of such insurrection, domestic violence, or combinations.

Among the laws to be enforced under sections 5298 and 5299 are the following:

(1) Section 3995, Revised Statutes, which prohibits the obstructing or retarding the passage of the mail, and all other laws relating to the carrying of the mails.

(2) The following sections of an act approved July 2, 1890, entitled:

AN ACT to protect trade and commerce against unlawful restraints and monopolies.

SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal.

Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal.

Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

(3) The following section of an act approved July 2, 1864, entitled:

AN ACT granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route.

SEC. 11. *And be it further enacted*, That said Northern Pacific Railroad, or any part thereof, shall be a post route and a military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

(4) The following section of an act approved July 1, 1862, entitled:

AN ACT to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes.

(The Union and Central Pacific Railway companies.)

SEC. 6. *And be it further enacted*, That the grants aforesaid are made upon condition that said company shall pay said bonds at maturity and shall keep said railroad and telegraph line in repair and use, and shall at all times transmit dispatches over said telegraph line and transport mails, troops, and munitions of war, supplies, and public stores upon said railroad for the Government whenever required to do so by any department thereof, and that the Government shall at all times have the preference in the use of the same for all the purposes aforesaid. * * *

(5) The following sections of an act approved July 27, 1866, entitled:

AN ACT granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast.

SEC. 11. *And be it further enacted*, That said Atlantic and Pacific Railroad, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

SEC. 18. *And be it further enacted*, That the Southern Pacific Railroad, a company incorporated under the laws of the State of California, is hereby authorized to connect with the said Atlantic and Pacific Railroad, formed under this act, at such point near the boundary line of the State of California as they shall deem most suitable for a railroad line to San Francisco, and shall have a uniform gauge and rate of freight or fare with said road; and in consideration thereof, to aid in its construction, shall have similar grants of land, subject to all the conditions and limitations herein provided, and shall be required to construct its road on the like regulations, as to time and manner, with the Atlantic and Pacific Railroad herein provided for.

SEC. 5316. It shall be unlawful to take any vessel or cargo detained under the preceding section [sec. 5315] from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons too great to be overcome by the officers of the customs the President, or such person as he shall have empowered for that purpose, may employ such part of the Army or Navy or militia of the United States, or such force of citizen volunteers, as may be necessary to prevent the removal of such vessel or cargo and to protect the officers of the customs in retaining the custody thereof.

GUANO ISLANDS.

SEC. 5577. The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer [of a guano island] or of his widow, heir, executor, administrator, or assigns.

565. Officers of the Army will not permit troops under their command to be used to aid the civil authorities as a posse comitatus, or in execution of the laws, except as provided in the foregoing paragraph.

566. If time will admit, applications for the use of troops for such purposes must be forwarded, with statements of all material facts, for the consideration and action of the President; but in case of sudden and unexpected invasion, insurrection, or riot, endangering the public property of the United States, or in case of attempted or threatened robbery or interruption of the United States mails, or other equivalent emergency so imminent as to render it dangerous to await instructions requested through the speediest means of communication, an officer of the Army may take such action before the receipt of instructions as the circumstances of the case and the law under which he is acting may justify, and will promptly report his action and the circumstances requiring it to the Adjutant-General of the Army by telegraph, if possible, for the information of the President.

567. In the enforcement of the laws troops are employed as a part of the military power of the United States and act under the orders of the President as Commander in Chief. They can not be directed to act under the orders of any civil officer. The commanding officers of troops so employed are directly responsible to their military superiors. Any unlawful or unauthorized act on their part would not be excusable on the ground of an order or request received by them from a marshal or any other civil officer.

568. Troops called into action against a mob forcibly resisting or obstructing the execution of the laws of the United States or attempting to destroy property belonging to or under the protection of the United States are governed by the general regulations of the Army and apply military tactics in respect to the manner in which they shall act to accomplish the desired end. It is purely a tactical question in what manner they shall use the weapons with which they are armed—whether by fire of musketry and artillery or by the use of the bayonet and saber, or by both, and at what stage of the operations each or either mode of attack shall be employed. This tactical question will be decided by the immediate commander of the troops, according to his judgment of the situation. The fire of troops should be withheld until timely warning has been given to the innocent who may be mingled with the mob. Troops must never fire into a crowd unless ordered by their commanding officer, except that single selected sharpshooters may shoot down individual rioters who have fired upon or thrown missiles at the troops. As a general rule the bayonet alone should be used against mixed crowds in the first stages of a revolt. But as soon as sufficient warning has been given to enable the innocent to separate themselves from the guilty, the action of the troops should be governed solely by the tactical considerations involved in the duty they are ordered to perform. They should make their blows so effective as to promptly suppress all resistance to lawful authority, and should stop the destruction of life the moment lawless resistance has ceased. Punishment belongs, not to the troops, but to the courts of justice.

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ARTICLE LIV.

Cemeteries.

NATIONAL CEMETERIES.

569. National cemeteries, and the records pertaining thereto, are under the charge of the Quartermaster-General. All correspondence between his office and the officers of his department in charge thereof, and the civil engineers and agents especially employed in connection therewith, also the monthly reports of superintendents, will be forwarded direct to him.

BATTLE-GROUND CEMETERIES.

570. In order to secure, as far as possible, the decent interment of those who fall in battle, it is the duty of commanding generals to set apart a suitable spot near every battlefield, and to cause the remains of the killed to be there interred. Headboards will be placed at the graves, each bearing the number of the grave and the name of the person buried therein. A register of the burial ground will be preserved, in which will be entered the location of each grave and the descriptive numbers and names which appear on the headboards.

571. Where conditions make it possible every grave must be carefully marked by a headboard, with the name, rank, and organization of the deceased, and the company commander will be held responsible to the extent of marking the graves of men of his company who die or are killed on the field. He will report through the proper military channels the date and cause of death, stating the location of grave and how marked. When a soldier dies in hospital the surgeon in charge will be held responsible for similar action and report.

POST CEMETERIES.

572. The commanding officer of every post situated on public lands of the United States will see that a suitable portion of such land is, when practicable, set apart and properly maintained for the burial of deceased officers and soldiers and their families, and of Government employees.

573. Post cemeteries will be suitably inclosed with a wall or fence of the best material available, and will be maintained by the labor of the garrison. Materials for the construction and repair of fences and headboards will be furnished by the Quartermaster's Department.

574. At each grave will be placed a headboard, plainly marked with a number, and with the name, company, regiment, and date of death of the occupant, the number to correspond to the number in the record of interments. Headboards will be of well-seasoned wood, painted with three coats of white paint, four feet long, ten inches wide, one and three-eighths inches thick, and stand two feet out of the ground; the inscriptions in black letters one inch long.

575. Walks will be four feet wide, neatly rounded, and properly drained and graveled when the material is at hand. When practicable, good grass sod should cover the rest of the ground, including the graves, and native trees and shrubs will be preserved or planted for ornament and shade.

576. A record of interments will be kept by the quartermaster, which will be turned over by him, when relieved, to his successor or transmitted to the Quartermaster-General if the post be discontinued.

577. A report containing the names of persons buried during the calendar year, giving in each case number and locality of grave, date of death and burial, and in case of an officer or enlisted man, his rank, company, and regiment or corps, will be forwarded to the Quartermaster-General.

ARTICLE LV.

Advertising and Printing.

Newspaper advertising.

578. Newspapers officially designated for publishing War Department advertisements are required to forward to the chief clerk sworn statements of the commercial rates charged by them to individuals, with their usual discounts, and of any changes made in the same. These statements will give the size of type used in the advertisements and show whether the charges are made by the inch, line, square, or folio, the rate for the first and subsequent insertions, and if by the square, the number of lines counted as such. Fractional parts of an inch, square, or folio will be paid for at proportionate rates. When charges are varied in accordance with amount of space occupied or period of publication, the statements will show the charges for from one square to the number of squares contained in a column, inserted from one to thirty times.

579. The heads of bureaus of the War Department will furnish officers charged with the publication of advertisements lists of newspapers designated by the Secretary of War, and the necessary blanks for compliance with these regulations.

580. Officers will observe conciseness in wording advertisements, and the matter, including the heading and the name and title of the signing officer, must be set up close in one paragraph, without dash or blank lines, leading or display, and in type no larger than that ordinarily used in advertisements. At offices and depots where proposals are frequently invited it is not necessary to publish in each case the conditions usually imposed upon bidders and contractors; a statement that they will be furnished on application will suffice. The following is a sample of advertisement set up in accordance with these requirements:

> Proposals for Fire Hose.—Office of Building for State, War, and Navy Departments, Washington, D. C., Nov. 5, 1887.—Sealed proposals for furnishing and delivering unlined Linen Hose, Coupling, and Pipes, for west and center wings of building for State, War, and Navy Departments, in this city, will be received here until 12 m., Nov. 7, 1887, and then opened. Information furnished on application. Envelopes containing proposals should be indorsed "Proposals for Fire Hose," and addressed Thos. Lincoln Casey, Col. Engrs.

Advertisements for quartermaster's supplies will conform to the requirements of section 3716, Revised Statutes.

581. No official advertisement will be published in any newspaper except under special or general written authority of the Secretary of War. Special authority authorizes the publication of a given advertisement a specified number of times in a designated newspaper or newspapers. General authority is granted only to disbursing officers engaged in making frequent purchases and contracts, and authorizes the publication, for specified periods, in designated newspapers, of such advertisements for proposals as their duties may require. Due economy as to the number of newspapers in which an advertisement is to appear will be observed by officers having general authority to advertise, no greater number being used in any case than may be necessary to give proper and sufficient public notice.

582. Requests for authority to advertise will be made upon the prescribed blank forms, except that in case of great emergency, the nature of which will be stated, authority to advertise may be requested by telegraph.

583. Advertisements in newspapers announcing sales of property or inviting proposals for furnishing labor or supplies, will, as a rule, allow thirty days to intervene between date of first publication and date of sale or opening of bids. If necessity require, a shorter period may be allowed, but no period of less than ten days will be designated except in case of emergency. The officer who is accountable for property

which is to be advertised for sale, or who is authorized to invite proposals for furnishing labor or supplies, is the one upon whom devolves the duty of determining whether an emergency exists warranting the designation of a period less than ten days for the publication of the advertisement. No officer will authorize the publication of an advertisement beyond the morning of the day on which the sale or opening of bids is to occur, and no payments will be made for continuing such publication beyond the period authorized.

584. Ordinarily advertisements will be given six insertions in daily, or four in weekly, papers. When more than ten days are to intervene between the date of the first publication and the date of opening, those in daily newspapers inviting proposals will at once be given four consecutive insertions, and immediately before the date of opening, two consecutive insertions. In case of emergency, advertisements may be given one or more insertions, as time and circumstances permit.

585. Vouchers covering bills for advertising in newspapers must, prior to payment, be submitted to the Secretary of War. They will be prepared by the publisher, in duplicate, upon prescribed forms, and each will have attached a copy of the advertisement cut from the newspaper. No voucher will contain the account of more than one newspaper, nor for more than one advertisement. The date of first and subsequent insertions; number of lines, squares, or folios; number of insertions charged and ordered; and the amount charged will be entered in the proper columns. The column headed "Amount allowed" will be left blank. The receipt should be signed in duplicate by the publisher or proprietor, or other person authorized to receipt for money in the name of the paper. Indorsed on the voucher will appear a copy of the authority of the War Department for the publication, stating its number. The accounts thus prepared will be forwarded by the certifying officer direct to the chief clerk of the War Department, with an indorsement describing the inclosures, preferably on letter of authority, or, if the letter of authority is not in the hands of the officer, then by a letter of transmittal.

586. Accounts presented to officers for advertisements which they did not order, but which are shown to have been ordered by the Secretary of War to be published in the newspaper presenting the accounts for payment, will be prepared upon the official forms and transmitted to the chief clerk of the War Department in the same manner as other accounts for advertising. The following form of certificate will be used in such cases:

I certify that the annexed advertisement was cut from the newspaper named in the above account, and that it was inserted in that newspaper for the period stated.

Claims of publishers of official newspapers for advertisements copied from other papers without authority from the Secretary of War will not be paid.

587. In the event of an officer's death or removal, the outstanding bills for advertisements pertaining to his office will be prepared, certified, and forwarded by his successor, who is authorized to vary the form to correspond to the facts. Officers changing stations will leave with their successors complete records relative to unsettled accounts for advertising.

JOB PRINTING.

588. The printing required at the several department headquarters will be executed under contract, thirty days' notice, when practicable, being given of the opening of proposals. Bids will be invited and contracts made in accordance with the form of proposal and circular of instructions furnished by the Quartermaster's Department. The period of the contract will not extend beyond the end of the fiscal year in which made, and the contract will be submitted to the Secretary of War.

589. Vouchers covering bills for printing for department headquarters will, prior to payment, be submitted to the Secretary of War, except for printing done in the

Philippine Islands or in foreign countries near thereto, where they will be subject to the approval of the commanding general of the division, or of the department in case there be no division. They will be made out on prescribed forms, the printing to be so described as to enable computations to be readily reviewed according to the customary methods in use among book and job printers. A sample of the printing will accompany each bill, and on vouchers for work classed as "special" in the circular of instructions, the number of copies and rate per hundred will be stated, and on vouchers for other jobs the date of printing, number of copies, name and amount of type (number of thousand ems), number of tokens of press work, and rates per thousand ems and per token will be stated. The voucher will show grade and quantity of paper furnished by the printer and price charged. The vouchers thus prepared, with the certificate of the officer ordering the work, as to its necessity and propriety, will be forwarded direct to the chief clerk of the War Department, with a letter of transmittal describing the inclosures, except for printing done in the Philippine Islands or in foreign countries near thereto, in which case the vouchers will be transmitted to the division commander.

590. Printed letter and note headings for department headquarters will contain only the designation of the headquarters, the office to which the correspondence pertains, post-office address, and blank date. Those for posts, regiments, and schools of instruction will contain only the designation of the post, regiment or school, post-office address, and blank date. Names of officers or other persons will not be printed on letter or note headings for use in any branch of the military service.

591. Necessary printing in special cases not covered by contracts for printing for department headquarters will, as far as practicable, be done by contract after competition, awards being made to the lowest responsible bidders. These contracts and all vouchers covering the service will also be submitted to the Secretary of War.

592. Officers will, as a rule, obtain all blank forms, blank books, etc., by requisition upon the heads of the proper staff departments.

ARTICLE LVI.

Purchase of Supplies and Engagement of Services.

GENERAL PROVISIONS.

593. No contract or purchase on behalf of the United States shall be made unless the same is authorized by law, or is under an appropriation adequate to its fulfillment, except for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. (R. S., 3732.) No officer of the United States shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in case of emergency involving loss of life or destruction of property. (Act approved May 1, 1884.)

594. The labor of troops or Government employees, or Government means of transportation, will not be used to enable contractors to fulfill contracts, except in cases of manifest necessity, and then only on the written authority of the proper commander. Full deduction will be made for Government services when rendered.

595. Articles of foreign production or manufacture for the service of the United States will not be purchased abroad for importation without special authority from the Secretary of War.

596. Supplies, and services not personal, required in the various departments and posts of the Army will be procured where they can be purchased the cheapest, quality and cost of transportation and the interests of the Government in the case of supplies being considered:

1. After public notice inviting proposals for thirty days or more, or for ten days or more but less than thirty days, or for less than ten days, according to the needs of the service.

2. Without public notice.

Personal services are such as the individual employed or contracted with must perform in person directly under the control and supervision of an officer or agent of the Government, as distinguished from services the performance of which may be delegated by the contractor to others. Bills rendered for such services must contain no charge for material.

597. An officer charged with the duty of making a contract or purchase is responsible under the laws and regulations for his action. Permission or orders to make a contract or purchase without inviting competition will not justify the procedure, and will not be given.

ADVERTISING FOR PROPOSALS.

598. In cases of large purchases a period of thirty or more days should intervene between date of first publication and of opening proposals. In small purchases, from ten to thirty days should intervene, and when the public exigency (constituting an emergency) does not permit ten days to intervene, the period should be for as many days as the circumstances will permit. The existence of such emergency is to be determined by the officer upon whom the duty of making the purchase devolves. Advertising for proposals by newspapers, in accordance with Article LV, will be adopted when time permits, and the quantity or value of the purchase, or character of the services, in the opinion of the purchasing officer, will justify the expense. When notice of less than thirty days is given, advertising by circulars (sent to principal dealers in the localities where the supplies or services are desired, and posted in public places) is permissible. A purchasing officer may advertise by newspapers and circulars at the same time.

599. When advertisements or specifications thereunder do not announce fixed standards for articles required, they should be so worded as to permit bids to be considered item by item, and awards to be made for the most suitable articles of each kind offered.

600. Whenever it is intended to require that guaranties shall accompany proposals, that fact, the amounts in which the guarantors are to justify, and the periods to be allowed after the award for the execution of contract papers and bonds will be stated in the advertisement or specification.

601. Advertisements inviting proposals will ordinarily be issued by the officer who is to make the contract or purchase; in special cases, if competent authority so direct, they may be issued by any other officer.

602. A copy of each advertisement and specification will be promptly forwarded by the officer issuing it direct to the proper bureau of the War Department, together with all information required for a complete understanding of the necessity for the proposed contract or purchase, and in case of notice by circular there will be indorsed on it the names of persons to whom sent, and if issued for a period of less than ten days, the reason why a longer period was not allowed will be stated. The forwarding of these notices at time of issuing may be dispensed with at the discretion of the chief of bureau to which the proposed contract or purchase pertains.

PROPOSALS.

603. Information in regard to supplies or services for which proposals have been invited will be furnished on application to all persons desiring it, but no person belonging to, or employed in the military service will render assistance in the preparation of proposals.

604. Bidders for supplies will be informed of the kind, quantity, and quality of articles required, the place, time, and rate of delivery, and conditions of payment. They will be furnished with such specifications as have been adopted, and will be permitted to examine the standard samples at the places where deposited.

605. Bidders for labor will be informed of the nature and extent of the services required, where they are to be performed, and the time allowed for performance. They will be furnished with or allowed to examine plans and specifications of all works upon which they desire to bid, and in general will be furnished with any information needed to enable them to act understandingly.

606. No person will be informed, directly or indirectly, of the name of anyone intending to bid, or not to bid, or to whom information in respect to proposals has been given.

607. Proposals should be prepared in duplicate, or in triplicate if required, in strict accordance with the requirements of the advertisement or specifications; they should make specific reference to the advertisement and to any plans or specifications which may have been furnished. Each proposal should give the place of residence and post-office address of the bidder, with county, State, or Territory, and should be signed by the bidder with his usual signature in full.

608. A proposal by a person who affixes to his signature the word "president," "secretary," "agent," or other designation, without disclosing his principal, is the proposal of the individual. Proposals by a corporation should be signed with the name of the corporation, followed by the signature of the president, secretary, or other person authorized to bind it in the matter, who should file evidence of his authority to do so. Proposals by a firm should be signed with the firm name by one of the members of the firm. If the signature to a proposal is that of an officer, attorney, or agent of the corporation, or of an attorney or agent of a firm or individual, and his authority to act on behalf of his principal is not a matter of general notoriety in the locality where the proposals are opened, the officer who opens such proposals should, before considering the same, satisfy himself that the signer is vested with sufficient authority to represent his principal in the transaction.

609. In proposals numbers and prices will be written in words as well as expressed in figures; but when a great variety of articles, such as stationery, hardware, etc., is required, quantities and prices may, if the amounts involved are inconsiderable and the forms of proposals so indicate, be expressed in figures only. It will be sufficient if specifications are referred to and are declared to form part of the proposal.

610. Erasures or interlineations should be explained by the bidder, in the proposal, over his signature.

611. Guaranties, signed by two responsible parties, or by a qualified surety company, will be required to accompany proposals whenever, in the opinion of the officer authorized to make the contract, they are necessary to protect the public interests, and when so required, no proposal unaccompanied by a guaranty, made in manner and form as directed in the advertisement or specifications, will be considered.

612. The guaranty will be in duplicate, or in triplicate if required, and will be made out and executed with the necessary justification, in accordance with blank forms furnished by chiefs of bureaus. The certificate of sufficiency of guarantors will be executed in the manner prescribed in paragraph 642.

613. Proposals, with their guaranties, will be securely sealed in suitable envelopes, indorsed and addressed as required by the advertisement, and must be in the possession of the officer addressed before the hour appointed for the opening. No responsibility will attach to an officer for the premature opening of any proposal not so indorsed as to clearly show its character.

614. When an advertisement calls for proposals to furnish labor or supplies at more than one place, a separate proposal will be made for performance at each place, but all may be submitted in the same envelope.

615. Proposals received prior to the time of opening will be securely kept. The officer whose duty it is to open them will decide when that time has arrived, and no proposal will thereafter be received.

616. Before the time for opening any bidder may, without prejudice, withdraw from competition by giving written notice of his decision to the officer holding his bid, and when his bid is reached at the opening it will be returned to him or his authorized agent unread.

617. Proposals will be opened and read aloud at the time and place appointed for the opening (bidders having the right to be present), and each proposal will then and there be numbered and entered on an abstract, the articles being entered in the order in which they are to appear on the returns. Articles to be procured by contract will be abstracted separately from those to be procured on written acceptance. If the number of proposals is large, those relating to specific articles or classes of articles may be entered on separate abstracts. The number of each proposal, with the quantities and prices of articles offered and dates of delivery, will appear in the proper columns, and a copy of the advertisement or notice under which the proposals are received, with a copy of the specifications, if any, will be attached to the upper left-hand corner of the abstract. When two or more sheets are used for the abstract, they will be properly fastened together and paged on the upper right-hand corner.

618. Proposals will be separately folded and numbered as vouchers to the abstract. They will not be fastened together nor to contracts, except to the copy required to be sent to the Returns Office.

619. When proposals are received at a post, unless by an officer authorized to make the award, as in cases involving small expenditures, they and the abstract will be forwarded to department headquarters, with the recommendations of the receiving officer and the post commander as to the person to whom the award should be made. When a purchasing officer, acting under the direct supervision of a chief of bureau, has invited and received proposals, he will make the award and execute the necessary papers, unless otherwise directed by the chief of bureau.

AWARDS.

620. When proposals for supplies for the general service of a department are received at its headquarters, the chief officer of that branch of the staff to which they pertain will submit them to the department commander, and, under his supervision, will make the award and execute the necessary papers, unless, under existing orders, the action of higher authority is necessary.

621. Except in rare cases, when the United States elects to exercise the right to reject proposals, awards will be made to the lowest responsible bona fide bidder whose proposal for furnishing a proper article is not unreasonable.

622. Slight failures on the part of a bidder to comply strictly with the terms of an advertisement should not necessarily lead to the rejection of his bid, but the interests of the Government will be fully considered in making the award.

623. Articles of domestic production or manufacture will be preferred to those of foreign origin, cost and quality being equal.

624. When no guaranty is required, bidders must, if called upon by the awarding officer, furnish satisfactory evidence before the award is made of their ability to carry their proposals into effect.

625. The accepted quantity and price will be noted on the abstract of proposals in the column of "Remarks," opposite the name of the bidder. If a bid is rejected and one at a higher price accepted, the reason for the rejection will be written in the column of remarks. When contracts are made, that fact will be stated in the abstract.

ABSTRACTS OF PROPOSALS.

626. A copy of each abstract, in those cases where contracts are to be entered into, made as directed in paragraphs 617, 619, and 625, accompanied by a duplicate of each proposal received, will, as soon as considered, be forwarded to the proper bureau of the War Department. When the purchase of supplies or engagement of services is made through written proposal and written acceptance only, the abstract and proposals need not be forwarded unless specially directed.

METHODS OF PURCHASE.

627. A purchase of supplies or engagement of services will be made:

1. By contract, "reduced to writing and signed by the contracting parties with their names at the end thereof." Agreements of this character only are termed "contracts" in these regulations.
2. By written proposal and written acceptance.
3. By oral agreement.

When delivery or performance does not immediately follow an award or bargain, the first method will be used. When delivery or performance immediately follows an award or bargain, the second method may be resorted to.

628. Contracts will be made on forms furnished by the chiefs of bureaus, in cases where such forms are applicable, and those forms will be modified only to such extent as is necessary. All conditions will be stated therein as fully and clearly as possible.

629. Contracts will be made in the name of, and will be signed by, the officer designated by the chief of bureau to which the contracts pertain. They will not be made at posts unless ordered by superior authority, and they will not be so ordered unless the stores or services required, of proper quality or kind, can be procured as cheaply there as elsewhere.

630. When a contract is entered into with a partnership, the individual names of the partners should be given in the body of the instrument, with the recitation that they are partners composing a firm, which should be named, and it may be signed in the name of the partnership by one of the partners, who will append his own signature as one of the firm.

631. Contracts made in the Philippine Islands or in foreign countries near thereto for furnishing supplies and rendering services other than personal in connection with the operations of the Army in those islands or in such countries will be made by and in the names of the officers of the proper supply departments for and on behalf of the United States, and will be subject to the approval of the commanding general of the division, or of the department in case there be no division, where made, to whom they will be forwarded, accompanied by the abstract required by 617, and who, before approval, will subject them to careful scrutiny and exercise the intervening authority conferred by paragraph 832. One of the approved numbers will be given to the contractor, one will be filed by the contracting officer, and one will be sent by the contracting officer direct, or through the chief of bureau, to the Returns Office of the Department of the Interior after having been prepared in strict conformity with sections 3744 and 3746, R. S., and paragraph 635. The number intended for the chief of bureau at Washington (accompanied by the abstract and bids as required by paragraph 626) and that for the Auditor for the War Department (accompanied by all the papers required by paragraph 636, and, when bond is required, by one number of the bond) will after approval be forwarded through the chief of the proper supply department of the division, or department in case there be no division, to the proper chief of bureau of the War Department, who will

submit to the Secretary of War any serious errors or defects discovered. The regular blank forms of contracts when used as above will be modified accordingly and the alterations fully explained over the signatures of the contracting parties.

632. A contract of a corporation should have the name of the corporation written in the body of the instrument, as one of the parties thereto, and should be signed by the officer or person who has been authorized to contract in its behalf, who should sign the corporate name and his own and affix the corporate seal if there be one. The contracting officer will, in all cases, satisfy himself that the signer has authority to bind the corporation and will either require from him satisfactory evidence thereof, and file the same with the contract, or will certify on the contract that he has satisfied himself of the signer's authority and has waived this requirement. If evidence be filed with the contract, it should consist of extracts from the articles of incorporation, the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records under the corporate seal (if there be one) showing the signer to be properly vested with authority to bind the corporation.

633. All contracts will be executed in quintuplicate. One is for the contractor, one for the contracting officer, one for the Auditor for the War Department, one for the head of the bureau to which the contract pertains, and one for the Returns Office of the Interior Department.

634. Upon receipt of the contract in quintuplicate at the proper bureau it will be examined, and if found correct, approved. Should any illegality be discovered, it will be submitted to the Secretary of War.

635. The copy intended for the Returns Office will be sent thereto by the officer making and signing the same as soon as possible after the contract has been made and approved, and within thirty days, together with all bids, offers, and proposals made by persons to obtain the contract, and with a copy of the advertisement; all of which will be fastened together by a ribbon and seal, and numbered in regular order, with the affidavit of the contracting officer appended in the following form:

I do solemnly swear that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ——— ———; that I made the same fairly, without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ——— ——— or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided.

636. In case of a purchase made by an officer of the Quartermaster's or Subsistence Department after public notice of ten days or more, the copy intended for the Auditor for the War Department must be accompanied by a copy of the advertisement, a certificate of the contracting officer as to the time and manner of its publication, and his certificate that the award was made to the lowest responsible bidder for the best and most suitable article.

637. All papers relating to or affecting the performance of any contract will finally be transmitted to the bureau of the War Department to which the contract pertains, except as provided in paragraph 786.

CONTRACTORS' BONDS.

638. Bonds for the faithful performance of contracts for supplies or service will be required in the following cases:

1. When the consideration is $3,000 or more, whatever may be the length of time required for the full performance of the contract.

2. When the consideration is over $250 but less than $3,000 and the contract can not be fully performed within thirty days from its date.

Bonds may be exacted or, in the discretion of the respective chiefs of bureaus concerned, waived in the following cases:

1. When the consideration is less than $3,000 and the contract is to be fully performed within thirty days from its date.

2. When the consideration is not more than $250, whatever may be the length of time required for full performance.

3. When the contract is for furnishing meals to recruits and recruiting parties.

The amount of penalty in a contractor's bond will be fixed by the contracting officer, and will not be less than one-tenth nor more than the full amount of the consideration of the contract.

Nothing in this paragraph is to be construed as authorizing the waiving of bonds required under paragraph 644.

639. When bonds for the faithful performance of contracts are exacted they will be made and executed with the necessary justification and certification of sufficiency of sureties, in accordance with the instructions printed on the blank forms of contractors' bonds furnished by the chiefs of bureaus. Such bonds must be executed by the contractor as principal and by a surety company or by at least two sufficient and responsible persons, who must be citizens of the United States, as sureties. Each must affix his signature and seal, and each signature must be attested by at least one witness. When practicable there will be a separate witness to each signature. Sureties to bonds executed in any foreign country, or in the Philippine Islands, Cuba, Porto Rico, or Hawaii, for the performance of contracts entered into in those places, need not be citizens of the United States.

640. A company duly incorporated under the laws of the United States, or of any State, and legally authorized to guarantee bonds, may be accepted as surety under the conditions prescribed in Article LVI. Lists of such security companies as have conformed to the requirements of law in respect to registration will be published from time to time by the Adjutant-General of the Army. A firm, as such, will not be accepted as surety, nor a partner for a copartner or firm of which he is a member. Stockholders who are not officers of a corporation may be accepted as sureties for such corporation.

641. A guarantor, or the guarantors, to a bidder's guaranty may be accepted as surety, or sureties, to the bond of the same person as contractor, provided such guarantor or guarantors are able to justify as required for the bond.

642. The sureties, if individuals, must jointly justify in double the amount of the penalty. The affidavit of justification must be taken before a person authorized by the laws of the United States, State, Territory, or District to administer oaths. Justification will be followed by the certificate of a judge or clerk of a United States court, a United States district attorney, a United States commissioner, or a judge or clerk of a State court of record, with the seal of said court attached, that the sureties are known to him, and that, to the best of his knowledge and belief, each is worth, over and above all debts and liabilities, the sum stated in his affidavit of justification. If found necessary, separate certificates may be furnished as to each surety. The affidavits of justification of sureties to contractors' bonds executed in any foreign country, or in the Philippine Islands, Cuba, Porto Rico, or Hawaii, may be taken before a notary or any other officer having a seal and who by the laws of the place is authorized to administer such oaths, the official seal of the notary or other officer to be affixed. The certification of sufficiency of such sureties may be made by a United States consul, if any, by a notary, or by the judge or clerk of any court in such place having a seal, the official seal of the officer or court to be affixed. The regular blank forms of bonds when used as above will be modified accordingly and the alterations will be fully explained over the signatures and seals of all parties to the bond.

643. Contractors' bonds will be executed in duplicate, one to accompany the copy of the contract which is sent to the Auditor for the War Department, and the other retained by the officer who makes the contract.

644. When a contract is entered into for the construction of any public building, or the prosecution and completion of any public work, or for repairs on any public building or public work, the contractor will be required, before entering upon performance of the same, to include in the bond given for the faithful performance of the contract the further obligation that he will promptly make payments to all persons who supply him with labor and materials for the prosecution of the work provided for in such contract. A certified copy of this contract and bond will be furnished to any person who has supplied such labor or materials upon his application to the War Department, accompanied by an affidavit that the labor or materials have been supplied by him and have not been paid for by the contractor.

ORAL AGREEMENT.

645. Subject to the provisions of paragraph 627, supplies may be secured and services engaged by oral agreement, in the manner common among business men, in the following cases:

1. In an emergency, as when the public exigencies require immediate delivery of supplies or performance of services, and there is no time to advertise by newspapers or circulars.
2. When it is impracticable to secure competition.
3. When proposals have been invited and none have been received.
4. When proposals are above the market price or otherwise unreasonable.
5. When "exceptional articles" are purchased by the Subsistence Department.

646. Before making a purchase by oral agreement the officer will inform himself concerning prevailing prices by inquiry among principal dealers in his locality.

647. Open purchases for the military service on or near an Indian reservation will be made as far as practicable from the Indians, under the conditions set forth in paragraph 557, when fair and reasonable rates, not exceeding the market prices in the locality, can be obtained.

REPORTS OF PURCHASES.

648. An officer of any department who makes an open-market emergency purchase exceeding $200 in amount will transmit with his monthly money accounts a report setting forth the number of the voucher, the date and place of purchase, name of seller, the kind and total money value of supplies so purchased, and the reasons for the mode adopted in each case. The head of the bureau will submit these reports to the Secretary of War.

MARKING SUPPLIES BY CONTRACTORS.

649. Contractors furnishing supplies will mark and distinguish them with their names and with such other designations as shall be directed by the purchasing officer.

ARTICLE LVII.

BONDS OF DISBURSING OFFICERS, BIDDERS, AND CONTRACTORS.

650. Disbursing officers of the Quartermaster's, Subsistence, and Pay departments, and all storekeepers, before entering upon the duties of their respective offices, will give bonds as required by law. Chiefs of bureaus will see that such bonds are examined as to sufficiency of sureties at least once in two years, and renewed once in four years, or more frequently if necessary.

651. Sureties to bonds given by disbursing officers will be bound jointly and severally for the whole amount expressed therein, and must satisfy the Secretary of War that they are worth, jointly, double such amount, each surety making affidavit that he is worth that sum over and above his debts and liabilities, and stating in the affidavit his place of residence.

652. When the principal of the bond is a corporation, a copy of the record of the selection of the officers executing the bond in its behalf, and a copy of the by-law or other record of the proceedings of the governing body of the corporation, showing their authority to execute the same, will be attached to the bond; these copies to be certified by the custodian of such records, under the seal of the corporation, to be correct copies.

653. Before a corporation will be accepted as surety there must be filed with the Secretary of War or attached to the bond a copy of the record of the selection of the officers who have authority to execute the bond or bonds on behalf of the company, as well as a copy of the by-laws or other records showing their authority; these copies to be duly certified by the custodian of such records, under the seal of the corporation, to be correct copies. There will also be filed with the Secretary of War an itemized statement of the financial condition of the company, showing its assets and liabilities, signed and sworn to by the president and secretary of the company. The financial statement will be furnished quarterly without being called for, and the evidence as to the selection of the officers of the company will be furnished immediately after their election, and whenever any change is made in their authority to execute bonds evidence thereof will be immediately furnished.

654. In case of financial embarrassment, failure, or other disqualifying cause on the part of the surety to a bond, the Secretary of War will require the bond to be renewed to his satisfaction, upon notification to the principal. Official bonds may not be renewed at the will of the principal or surety, but only by direction of the Secretary, and the substitution of one corporate company for another as surety on a bond will not be permitted except by direction of the Secretary, or after the bond has run for a period of four years, when a renewal thereof is required by law.

655. Before a corporation will be accepted as surety it must obtain authority in writing from the Attorney-General to do business, under the act of August 13, 1894, and must file with the Secretary of War a copy of such authority, duly certified as a true copy by the Department of Justice.

656. Before a corporation will be accepted as surety on the bond of a principal residing in a State or Territory other than the one in which it was incorporated it must comply with the requirements of section 2 of act of August 13, 1894, as to the appointment of an agent on whom process may be served, etc., and must file with the Secretary of War a copy of the power of attorney to such agent, authenticated under the seal of the United States district court for the judicial district within which the agent resides, or the certificate of the Department of Justice that the company has complied with the provisions of section 2 of said act of August 13, 1894.

657. The principal and surety must sign and seal the bond. The corporate seal of the corporation must be affixed to the bond by some person duly authorized, who must also affix the name of the corporation to it, followed by his own signature and official designation written after the word "by." The names and places of business of the principal and surety must be written in the body of the bond.

ARTICLE LVIII.

Money Accountability.

PUBLIC MONEYS.

658. The use of moneys for purposes other than those for which appropriated, liquidation of liabilities of one fiscal year by use of moneys appropriated for another, and expenditures in a fiscal year of any sum in excess of appropriations for that year, or involving the Government in any contract for future payment of money in excess of appropriations, except as authorized by paragraph 593, are prohibited.

659. Chiefs of bureaus will see that funds in the hands of a disbursing officer are limited to his requirements for a brief period, and that as much as practicable of public moneys placed to his credit is kept with the Treasurer or an assistant treasurer of the United States. Estimates for funds should state the most convenient places of deposit.

660. Lists of national-bank depositories designated for the use of disbursing officers, with the amounts of securities filed by each with the United States Treasurer, will be published from time to time in orders from the Adjutant-General's Office.

661. Where there are two or more designated depositories in the same place, credits should be so regulated by each disbursing officer there stationed as to maintain, as far as possible (by deposits, disbursements, and transfers), a proportion between the amount of his credit at each depository and the amount of securities filed by it with the United States Treasurer. Transfers from one depository to another are not authorized except through the Treasury Department.

DISBURSING OFFICERS.

662. When an officer disburses money in different capacities, his deposits and accounts will be kept distinct, according to the bureaus to which they pertain.

663. Officers serving in and disbursing funds pertaining to more than one staff department, and officers assigned to duty in any of the staff departments, will, in issuing checks, confine the designation of their official capacity to their rank and the particular staff department on account of which the checks are drawn.

664. Public moneys subject to disbursement coming into the hands of an officer from any source must be promptly placed by him to his credit with the Treasurer or an assistant treasurer of the United States, or a duly designated depository, or transferred to a disbursing officer of that branch of the public service to which the money pertains; in either of which cases a receipt will be obtained. Exceptions to this rule are allowed where a disbursing officer has been specially authorized by the Secretary of War to keep in his personal possession, at his own risk, the public moneys which have been intrusted to him for disbursement, and money in hand may be disbursed at once without being placed in depositories if payments are due. The amount of subsistence funds which a recruiting officer or commissary may keep in his personal possession, at his own risk, under the authority conferred by paragraphs 665 and 666, respectively, is stated in orders from the War Department.

665. Recruiting officers stationed at places where there is no treasurer or assistant treasurer of the United States are authorized to keep on hand at their own risk moneys pertaining to the appropriation "Subsistence of the Army" in such restricted amounts as may be necessary for facilitating payments of public creditors. In places where there is a Treasurer or Assistant Treasurer of the United States such funds must be deposited and drawn for by official checks to be obtained from those officers.

666. Officers doing subsistence duty at other places than where the Treasurer or Assistant Treasurer of the United States is located will make application to the Secretary of War through proper military channels, if they have not already been

authorized to keep public money in their personal possession, for authority to so keep, at their own risk, such specified sums as in their opinion may be necessary to enable them to make at their posts cash payments to enlisted men from time to time for commutation of rations while traveling, on furlough, etc., and for paying them coffee money individually when ordered to travel without an officer.

When it may be necessary to draw a check for obtaining money to be kept in personal possession for the purposes herein set forth, the disbursing officer will draw it in his own favor, and enter under the heading thereon "Object for which drawn," or "On account of," the following: "To hold funds in personal possession. Authority S. W. ——— ———, 190—." Such checks will not be stated to be for "payments under $20."

667. A disbursing officer ceasing to act as such and having public funds to his credit in any office or bank will at once inform the Secretary of the Treasury, stating what checks drawn against the same are still outstanding and unpaid.

668. All amounts of money held at the end of each fiscal year by the Treasurer, an assistant treasurer, or a designated depositary, credited to a disbursing officer whose account has remained unchanged, either by deposit or payment, for the space of three years, shall be covered into the Treasury, to be placed to the credit of such officer if it be found that he is entitled to the credit.

669. No officer disbursing money for the military service, or directing the disbursement thereof, shall be concerned individually, directly or indirectly, in the purchase or sale of any article intended for, used by, or pertaining to the department of the public service in which he is engaged.

670. No officer or clerk of a disbursing officer shall be interested in the purchase of any soldier's certificate of pay due, or any other claim against the United States.

671. Officers or agents in the military service will not purchase supplies for the Government from any other person in the military service, nor contract with any such person to furnish supplies or service to the Government, nor make any Government purchase or contract in which such person shall be admitted to share or receive benefit.

672. If any disbursing officer shall bet at cards or any game of hazard, his commanding officer will suspend his functions, require him to turn over all public funds in his keeping, and will immediately report the case to the proper bureau of the War Department. He will also report the case to the department commander, who will at once convene a court-martial for the trial of the officer.

673. Every disbursing officer, in opening his first account and before issuing any checks, will furnish the depositary on whom the checks are to be drawn with his official signature, duly verified by some officer whose signature is known to the depositary.

674. For every Treasury draft received by a depositary to be placed to the official credit of a disbursing officer, and for every deposit of funds made by the officer to his official credit, subject to payment of his checks, a receipt, numbered in serial order, and giving the place and date of issue, will be furnished him by the depositary, setting forth the character of the funds, i. e., whether coin or currency. If the credit is made by a disbursing officer's check transferring funds, the essential items of the check will be enumerated, and if by a Treasury draft the warrant number. The title of the officer will be expressed, and the title of the account will also show for what branch of the public service it is kept. The receipt, called "a disbursing officer's receipt," will be retained by the officer in whose favor it is made.

675. An officer is not authorized to insure public money or property, and he will not be allowed credit for any expense paid for the collection of money on checks, except as provided in paragraph 41 for military attachés serving abroad.

TRANSFERS.

676. Public funds will, in general, be transferred as follows: Where the accounts are both in the same office or bank, the officer making the transfer will draw his check directing the depositary to place a stated amount to the official credit of the officer named therein. The check will be sent to the depositary and not to the officer in whose favor it is drawn. If it is necessary that the officer to whom the funds are transferred shall receive them without delay, the transferring officer may draw his check and transmit the same direct to the officer requiring them. In either case, receipts for the funds are sent by the receiving officer and the corresponding invoices are sent to the receiving officer. Transfers of public funds from one office or bank to another are made by the Secretary of the Treasury on the recommendation of the Secretary of War.

677. Funds will not be transferred from one appropriation for the use of another by borrowing or otherwise.

CHECKS.

678. A disbursing officer may draw his check in favor of himself "or bearer," (a) for making payments of amounts not exceeding $20; such checks shall bear indorsed upon them the names of the persons to whom the amounts drawn are to be paid, or accompanied by a list or schedule, made a part of the checks, containing the same information; for making payments at a distance from a depository; or, (b) for making payments of fixed salaries due at a certain period, if the check be not drawn more than two days before the salaries become due. In all other cases checks will be made payable to "order" or "bearer," and will be drawn only in favor of the persons, firms, or corporations, by name, to whom the payments are to be made.

679. Each check of a disbursing officer must state on its face the address of the officer drawing it, the object of the expenditure, and, in case of payment to officers or enlisted men, the period covered by the payment. Such statements must be brief but clear—as, for instance, "pay," "pay roll," or "payment of troops," adding the post or station; "purchase of subsistence" or of other supplies, naming them; "on contract for construction," mentioning the fortification or other public work for which the payment is made; "payments under $20," etc. Payment is refused on all checks where this requirement is disregarded, and report of the fact made to the Treasury. Rubber stamps or the typewriter will not be used to fill in dates, payees' names, or the amounts of checks issued in payment of the public creditors.

680. Disbursing officers will not pay an account until it is due. In cases of contracts for the performance of service or delivery of articles, payment will not exceed the value of services rendered, or articles actually delivered.

681. Disbursing officers will not issue to any creditor of the United States a check for more than $2,500 to be transmitted through the mails. In case the amount due is in excess of $2,500, a sufficient number of checks for $2,500, or less, will be issued as may be necessary to discharge the claim.

When an original check of a disbursing officer, not exceeding $2,500 in amount, has been lost or destroyed, a duplicate check may be issued by him, after six months and within three years of the date of the original, upon the owner filing with him the notice and proof of loss and the indemnity bond required by sections 3646 and 3647, Revised Statutes, and act of February 16, 1885. In case the disbursing officer who issued the original check is no longer in the service, the notice and proof of loss and the indemnity bond will be sent to the Secretary of the Treasury prior to the issue of a duplicate check. The proper accounting officer of the Treasury will state an account in favor of the owner of said check and charge the amount thereof to the account of such officer. Instructions for the execution and use of the affidavit and bond, and the issue of the duplicate check, accompany the blank form furnished by the Treasury Department.

682. In case of the death, resignation, or removal from active service of a disbursing officer, any check previously drawn by him, and not presented for payment within four months of its date, will not be paid until its correctness shall have been attested by the Secretary or Assistant Secretary of the Treasury.

683. A check drawn by a disbursing officer still in active service, presented before it shall have been issued three full fiscal years, will be paid in the usual manner by the office or bank on which it is drawn, and from funds to the credit of the drawer.

684. At the close of each fiscal year every disbursing officer will make a return to the Secretary of the Treasury, through the proper channels, of all outstanding checks issued by him three years or more prior thereto, giving the names of payees and their residences when known, the purposes for which and places on which the checks were drawn, with amounts, numbers, and dates of same, and the numbers of the vouchers received therefor.

685. At the close of each fiscal year all amounts remaining to the credit of a disbursing officer, represented by checks or drafts drawn upon the Treasurer, an assistant treasurer, or any designated depositary, three or more years prior thereto, will be covered into the Treasury and there stand to the credit of the payees in an appropriation account denominated "outstanding liabilities."

686. A check which has been issued for a longer period than three full fiscal years will be paid only by the settlement of an account in the Treasury Department. For this purpose the check will be transmitted, through the proper channels, to the Secretary of the Treasury.

OFFICIAL CHECK BOOKS.

687. Official check books are issued by the Treasurer and assistant treasurers of the United States direct to disbursing officers who have public money on deposit with them. Rules for issue, transfer, etc., of these check books accompany each book. In making payments only official checks will be used.

688. Official check books on national-bank depositories are furnished by chiefs of bureaus, by whom records of blank checks issued will be kept and to whom unused checks will be returned. Rules for issue, transfer, etc., of these check books accompany each book. The chief of bureau issuing a check book on a national-bank depository will keep a complete record of its size, its character, the serial numbers of its checks, and when and to whom issued.

When an officer transfers such book, or any of its unused checks, he will immediately advise the chief of bureau by whom it was issued of the serial numbers, inclusive, so transferred, forwarding a receipt therefor, that the necessary change in the record may he made. When an officer ceases to act as a disbursing officer or agent he should transfer all unused checks to his successor as above provided, or, if there be no successor, return them to the chief of bureau by whom issued. Should any officer make an erasure or alteration of any of his checks, however slight, he will certify to the correctness of such erasure or alteration on the upper margin of such check.

689. Mutilated or spoiled official checks upon the United States Treasurer or assistant treasurer will be forwarded promptly to the office to which they pertain, but mutilated or spoiled checks upon a national-bank depository will be forwarded promptly, for preservation and future reference, to the chief of bureau by whom issued, who will acknowledge the receipt of such checks. In either case a record of the dates of both cancellation and transmission will be entered on the stub.

CERTIFICATES OF DEPOSIT.

690. Public moneys are transferred to the general Treasury by being deposited to the "credit of the Treasurer of the United States," either at the Treasurer's office, or at the office of one of the assistant treasurers, or at one of the designated depositories. All "miscellaneous receipts on account of proceeds of Government property"

(paragraph 697) must be deposited; also, when required by chiefs of bureaus to which the funds pertain, the public moneys in the possession of, or to the credit of disbursing officers or others. For each deposit made a "certificate of deposit" in duplicate will be given, showing the full name, rank, regiment, or corps of the depositor, and to what appropriation or fund the amount belongs, the depositor giving the necessary information when making the deposit.

691. The "originals" of all certificates of deposit are required by law to be forwarded by the depositaries direct to the Secretary of the Treasury; the "duplicates" are filed by the depositing officers with their retained papers. Immediately upon making a deposit to the credit of the Treasurer of the United States the depositing officer will notify the proper chief of bureau of the fact, stating the number of the certificate of deposit, the name of the depository, the date of the deposit, the amount, the appropriation to which the money pertains, and whether the amount arose from proceeds of sale or is a repayment of an unexpended balance. If the deposit is on account of the indebtedness of any person other than the depositing officer, the source from which the money was derived and the object of the payment will be distinctly stated and reference made to the vouchers, if any, to which the deposit pertains.

692. A disbursing officer of one staff department making stoppages on account of the funds or property of another staff department will, in the absence of special instructions to the contrary, deposit the funds so received, and not leave them to be transferred upon the settlement of his accounts at the Treasury.

693. Nothing in the two preceding paragraphs will be construed to affect the existing system of depositing collections by paymasters of the Army. Whenever an officer refunds money to the Government by payment to an army paymaster, duplicate descriptive receipts will be issued by the latter for the amount refunded.

The paymaster will, with the least practicable delay, forward, without letter of transmittal, the original receipt direct to the Paymaster-General of the Army and furnish the officer with the duplicate.

694. The number, date, and amount of the certificate of deposit, together with the specific appropriation, if named, will be noted on the account current upon which the depositor desires to be credited with the money deposited. Certificates of deposit will not be filed with accounts current. Officers will state in such accounts dates of deposits and name and location of depository.

695. Certificates of deposit must be recorded in the proper bureaus of the War Department. The "originals," upon their receipt at the Treasury, are immediately forwarded to the Secretary of War, who refers them to the proper bureaus to which the deposits pertain for verification and designation of the appropriation.

PROCEEDS OF SALES.

696. Moneys received for stores, materials, or supplies (except subsistence stores) sold to officers, enlisted men, or exploring or surveying expeditions authorized by law will be deposited to the credit of the Treasurer of the United States, and respectively revert to the appropriation out of which originally expended. Proceeds of sales of useless ordnance material and the cost of ordnance issued or sold to the several States are expended under conditions prescribed by law. Proceeds of sales of subsistence supplies are immediately available for the purchase of fresh supplies.

697. The proceeds of sales of all public property the disposition of which is not provided for by the preceding paragraph, after the expenses of sale have been deducted, will be deposited to the credit of the Treasurer of the United States as "Miscellaneous receipts on account of proceeds of Government property," for which certificates of deposit will issue, showing the name, rank, regiment, or corps of the depositor, the nature of the deposit, the kind of property, and the bureau to which it pertained.

698. The transfer of public property from one bureau or Department to another is not regarded as a sale. If money is received therefor, it may be used to replace such stores and will be reported accordingly.

APPROPRIATIONS.

699. The fiscal year ends on June 30. The quarters of the fiscal year are as follows: First quarter, July 1 to September 30; second, October 1 to December 31; third, January 1 to March 31; fourth, April 1 to June 30.

700. Chiefs of bureaus, in notifying officers of remittances, will inform them of the amount remitted under each head of appropriation, giving the designation by fiscal years when necessary.

701. Accounts current, abstracts, and vouchers, including transfers and refundments, will have noted in red ink on the face and also in the brief on the back the fiscal year to which the funds pertain.

702. No account current, except in the Pay Department, will contain accounts of different years; and no item will be entered thereon unless it pertains to the fiscal year to which the account belongs.

703. Money received and disbursed under the appropriation for contingent expenses of the Army will be accounted for by officers authorized to disburse it, on special accounts current, in which funds belonging to other appropriations will not be entered.

704. When an article purchased is not named in the appropriation act, the purpose for which it is intended determines the appropriation from which payment is made.

705. All public funds on hand at the close of a fiscal year, except those required to pay outstanding liabilities incurred during such year (a schedule of which will, if possible, accompany the last account current for the year), and "no limit" appropriations, will be deposited to the credit of the Treasurer of the United States and the disbursing officer's account closed by a credit for such deposit.

706. Balances retained after the close of the fiscal year for the purpose of paying outstanding liabilities will be carried to a "supplemental account current" for the fiscal year to which the funds pertain.

707. When disbursements are made from such balances, accounts will be rendered as "supplemental accounts" for the fiscal year to which the funds pertain. Admitted errors, to be refunded, except in the Pay Department, will be taken up on an account current for the fiscal year in which the errors occurred.

ACCOUNTS CURRENT.

708. Accounts current will be made in duplicate; one copy, accompanied by abstracts and vouchers, will be forwarded to the chief of the bureau and the other retained by the officer. The forms of accounts current and abstracts furnished by the chief of the bureau in which the officer is serving will be used.

709. Disbursing officers who render accounts which eventually pass to the Treasury Department for settlement are required to prepare their accounts, with abstracts and vouchers complete, and deposit them in the post-office, addressed to the chief of the bureau of the War Department to which they pertain, on or before the 10th day of each month. Irregularities in the mail service or want of blank forms will not excuse a failure to comply with this paragraph. When vouchers are not sent with the account to which they belong, but are subsequently rendered, suitable explanation will be made.

710. Original vouchers will, if possible, accompany the accounts; copies will not be accepted unless duly certified and accompanied by satisfactory evidence of the loss or destruction of the originals, or that their retention is indispensable to the performance of duty by an officer.

711. With the accounts will be forwarded all orders of commanding officers and all other papers upon which the officer accountable relies to relieve himself from responsibility.

712. When an officer is relieved from duty in a staff department at any station he will certify outstanding debts if any, to his successor, and transmit a list of the same to the head of the proper bureau. Unless otherwise ordered, he will turn over to his successor the public money, property, books, and papers pretaining to the service from which he is relieved.

MONEY VOUCHERS.

713. Vouchers will ordinarily be made in duplicate, or, if required, in triplicate, and the number made will be stated on each copy.

714. The correctness of the facts stated on a voucher and the justness of the account must be certified by an officer.

715. Every voucher in support of a payment for supplies or for services, whether it be made pursuant to a formally prepared contract, an accepted bid, or a purchase without advertising, will be made out in favor of the creditor, giving his address, and must state (if for supplies furnished) the date of the purchase, the quantity and price of each article, and the amount; or (if for services) the character of the services, the date or dates on which rendered, and the amount. Where papers relating to two or more vouchers are required to accompany accounts, they must be filed with the first voucher paid, and reference thereto made on the other vouchers. A voucher for services by the day or month must state the nature of the service, the inclusive dates of service, the time for which payment is made, the rate of pay, and the amount, and the receipt of a creditor to a voucher for supplies furnished or services rendered must contain the words "which I certify to be correct."

All vouchers, when practicable, will be rendered in the English language, but if rendered in a foreign language a translation of the same must accompany the voucher.

716. Money amounts will be expressed in terms of dollars and cents. When a fraction of a cent less than one-half occurs in the footing of a voucher it will be disregarded. If the fraction be one-half or greater it will be reckoned as a cent.

717. A voucher for a purchase, or for services not personal, must have expressed on its face, immediately below the statement of the account, the mode of purchase or engagement, using therefor one of the following notations:

1. Under contract, dated ——, 19—.
2. Under public notice, dated ——, 19—.
3. Under oral agreement, without advertising.

718. The giving or taking of receipts in blank for public money is prohibited, except the receipts to vouchers for publishing advertisements, which will be receipted prior to audit.

719. A voucher for funds disbursed will, before being signed by a public creditor, be made out in full, with the place of payment and the name, rank, regiment or corps of the paying officer entered in the receipt, and the exact amount of money written out in words in the receipt. When vouchers are sent by mail for signature the date in the receipt will be left blank, and the check in payment will not be drawn until the vouchers are returned properly signed, when the date of the check will be added to the receipt.

720. Invoices of and receipts for funds transferred will state place and date of transfer, the name, rank, regiment or corps of the officer from whom the money is received, the kind of funds transferred, and the amount transferred under each head

of appropriation. If the transfer is for the correction of errors, whether arising upon the settlement of accounts or otherwise, the facts will be noted in detail on both invoice and receipt. The receiving officer or agent will indorse upon the invoice the exact date of the receipt given by him and will file it with the account current on which he acknowledges receipt of the funds. Any discrepancy as to the appropriation, fiscal year, or amount which may exist between the invoice and receipt when the latter is properly made out will be noted and explained on both invoice and receipt by the officer or agent receiving and receipting for the funds.

721. Vouchers for payment made and invoices and receipts for money transferred will have noted upon them the number, date, and amount of checks given, and the depository on which drawn. If payment is made by currency, wholly or in part, the facts will be stated.

722. Paragraph 716 of these Regulations requires that the money accounts of disbursing officers of the United States Army shall be rendered in terms of dollars and cents, and to secure uniformity in the preparation and rendition of their accounts, the following illustration of the method of stating the value of foreign silver or gold in the islands now occupied by the United States forces is published:

The accounts, whether for purchases or services, will be stated in the currency under which the indebtedness is incurred—*i. e.*, foreign silver or gold or United States currency.

If the agreement calls for either foreign silver or gold, the account shall be stated in those currencies, respectively. When in silver, the total amount will be reduced to its equivalent in the gold currency in use in the country in which the indebtedness is incurred, at the rate of exchange which may govern at the time, and from this gold currency into United States currency at the current rate of exchange at date of payment. If the account is stated in the gold currency in use, but the one reduction—into United States currency—will be necessary.

The amount in United States currency having been arrived at, authority is hereby given for checks to be drawn therefor by disbursing officers to their own orders in United States currency and by them exchanged at local fiscal agencies of the United States where possible, or at local banks, for the necessary amount in the coin required to pay the creditor in the money originally agreed upon, and authority is hereby given for such exchange where the creditor declines to accept check payable in currency of the United States.

The vouchers for accounts will be made to show the debt as actually incurred, in the coin in which payment is made, and the reduction from this coin to United States currency, the rate of exchange being stated on the voucher, and the amounts stated on abstracts and account current in United States currency, as prescribed by paragraph 716 of the Regulations.

723. Vouchers must be stated in the name of the corporation, company, firm, or person rendering the service or furnishing the articles for which payment is made.

724. Payments in currency or by check to bearer will not be made to holders of powers of attorney or to holders of instruments operating as transfers or assignments.

If a payment in currency or by check to bearer is made to an incorporated or unincorporated company, the money or check must be delivered to and the voucher receipted by a duly authorized officer or agent of the company; the receipt must be signed with the company name, followed by the autograph signature of the officer, with his title, or of the agent to whom the money or check was delivered, and the receipted voucher will be accompanied by evidence showing his authority. This evidence will consist of extracts from the articles of incorporation or association, the by-laws, or the minutes of the board of directors, duly certified by the custodian of such records (under the company seal, if there be one), showing that the signer is properly vested with authority to receive and receipt for money due the company.

If payment in currency or by check to bearer is made to an individual or a copartnership doing business under a company title, the receipt must be signed with

the company name, followed by the autograph signature of the individual proprietor or of one of the members of the firm with the words "proprietor" or "one of the proprietors" appended thereto.

If payment in currency or by check to bearer is made to a copartnership doing business as such, the receipt must be signed with the usual firm signature by one of the members of the firm, who will be required to append his own signature as "one of the firm."

If payment in currency or by check to bearer is made to an individual creditor, the receipt must be signed by him in person.

725. If payment is made by check to order of any company (incorporated or unincorporated) or firm or individual by name, and the fact that the check has been so drawn is stated on the voucher, giving its number, date, amount, and United States depository on which drawn, the receipt to the voucher may be signed by an officer, attorney, or agent of the company, or by an attorney or agent of the firm or individual, stating the capacity in which he signs, without filing with the voucher evidence of his authority to sign. The disbursing officer in all such cases will deliver the check to such person only as he is satisfied is authorized by the principal to receipt the voucher and receive the check.

726. Receipts for small sums for occasional service paid to corporations, such as railroad, telegraph, turnpike, transfer, express, steamboat, hotel, newspaper, and ice companies, may be signed by the local agent in charge of the business of the company at the place where the service is rendered or where it begins or terminates, and the certificate of the officer making payment that the person to whom payment was thus made was then the local agent of the company in charge of its business at the place designated will be sufficient evidence of the agent's authority to receive and receipt for the money paid.

727. When an account is presented by an individual who is not known to the disbursing officer, the latter will require him to be identified.

728. The signature to the receipt and the name of the person or business firm as entered at the head of an account must be literally alike.

729. When a signature is not written by the hand of the party, it must be witnessed, and by a commissioned officer when practicable.

730. In final statements, receipts for money, and papers of like character money amounts will, in all cases, be written out in full and also expressed by figures in parentheses. This requirement does not apply to pay rolls of military organizations and pay rolls of other descriptions.

731. Fees of civil officers for administering oaths in matters of military administration (where the services of judge-advocates of departments, or of courts-martial, or trial officers of summary courts were not obtainable) will be paid from the appropriation applicable to the subject-matter of the oaths, and in case there be no appropriation applicable thereto the fees will be paid by the Quartermaster's Department.

732. Disbursing officers will not issue vouchers for unpaid accounts as due bills against the United States, but a certified statement of personal services and of wages due may be given to a discharged employee who for want of funds was not paid at time of discharge.

733. When applicable, the following rules for the computation of time in payment for services will be observed:

1. For any full calendar month's service, at a stipulated monthly rate of compensation, payment will be made at such stipulated rate, without regard to the number of days in that month.

2. When service commences on an intermediate day of the month, thirty days will be assumed as the length of the month, whatever be the number of days therein.

3. When the service terminates on an intermediate day of the month, the actual number of days during which service was rendered in that calendar month will be allowed.

4. When the service embraces two or more months or parts of months but one fraction will be made, thus: From September 21 to November 25, inclusive, will be calculated—September 21 to October 20, inclusive, one month; from October 21 to November 20, inclusive, one month; from November 21 to 25, inclusive, five days; making the time allowed two months and five days.

5. When two fractions of months occur and both are less than a whole month, as from August 21 to September 10, the time will be determined thus: August 21 to 30, inclusive (ignoring the 31st), ten days; from September 1 to 10, inclusive, ten days; making the time allowed twenty days.

6. Service commencing in February will be calculated as though the month contained thirty days, thus: From February 21 to 28 (or 29), inclusive, ten days. When the service commences on the 28th day of that month, three days will be allowed, and if on the 29th, two days.

7. If service commences on the 31st day of any month, payment will not be made for that day.

8. For commutation of subsistence and for services of persons employed at a per diem rate payment will be made for the actual number of days.

9. When services are rendered from one given date to another the account will state clearly whether both dates are included.

10. In computing the wages of persons employed at a per diem allowance the day on which service begins and the day on which it ends will be allowed in the computation.

734. Disbursing officers will not settle with heirs, executors, or administrators except by authority of the proper bureau of the War Department, and upon accounts that have been duly audited and certified by the proper accounting officers of the Treasury.

PECUNIARY RESPONSIBILITY OF OFFICERS.

735. An officer will have credit for an expenditure of money made in obedience to the order of his commanding officer. Every order issued by any military authority which may cause an expenditure of money in a staff department will be given in writing. One copy thereof will be forwarded by the officer receiving it to the head of his department, and the other will be filed by the disbursing officer with his voucher for the disbursement. If the expenditure be disallowed, it will be charged to the officer who ordered it.

736. If a payment be made on the certificate of an officer as to the facts is afterwards disallowed for error of fact in the certificate, it will pass to the credit of the disbursing officer and be charged to the officer who gave the certificate; but the disbursing officer can not protect himself in an erroneous payment made without due care by charging lack of care against the officer who gave the certificate.

ADMINISTRATIVE EXAMINATION OF MONEY ACCOUNTS.

737. The chief of a bureau to which accounts pertain will cause each account current, with its accompanying papers, to be examined and transmitted to the Treasury Department, with his decision indorsed thereon, within sixty days from the date on which such account was received at his office. He will bring to the notice of the Secretary of War all matters of account that require or merit it. When a suspension or disallowance is made, the bureau will notify the officer that he may have an opportunity to submit explanations or take an appeal to the Secretary of War.

738. In case of discovered error or disallowance in an account upon its examination by the proper authority, the officer responsible will, upon notification thereof, unless able to furnish evidence to correct or remove the same, make the proper correction in his next account current, and refer therein to the particular voucher in which the error occurred or the disallowance was made.

ARTICLE LIX.

Public Property Accountability and Responsibility.

GENERAL PROVISIONS.

739. Accountability and responsibility devolve upon any person to whom public property is intrusted and who is required to make returns therefor. Responsibility without accountability devolves upon one to whom such property is intrusted, but who is not required to make returns therefor. Thus, with respect to quartermaster's supplies intrusted to a company or detachment commander, responsibility but not accountability attaches.

740. The officer in permanent or temporary command of a post or station is responsible for the security of all public property of the command, whether in use or in store, and, although for purposes of periodical accountability to the War Department it may all have been officially receipted for by subordinate officers, the commanding officer is nevertheless responsible and pecuniarily liable with them for the strict observance of the regulations in regard to its preservation, use, and issue. He will take care that all storehouses are properly guarded, that only reliable agents are employed, and only trustworthy enlisted men are detailed for duty in them or in connection with property.

741. If an officer in charge of the public property of a command (not properly pertaining to a company or detachment) is, by order, leave of absence, or any other cause separated from it, the commanding officer, or an officer designated by him, will receipt and account for it.

742. If it becomes necessary to remove all officers from the charge of public property, the commanding officer will take measures to secure it and report the circumstances to the proper authority.

743. A company or detachment commander is responsible for all public property pertaining to his company or detachment, and will not transfer his accountability therefor to a successor during periods of absence of less than a month unless so ordered by competent authority; when such absence exceeds a month, the question of responsibility is settled by the proper authority.

744. The officer in temporary or permanent command of a company or detachment is responsible for all public property used by, or in possession of the command, whether he receipts for it or not.

745. The property responsibility of a company commander can not be transferred to enlisted men. It is his duty to attend personally to its security, and to superintend issues himself or cause them to be superintended by a commissioned officer.

746. An officer will not when it can be avoided be detailed for duty which will separate him from public property for which he is accountable.

747. A transfer of public property involves a change of possession and accountability. The transferring officer, except in the medical department, will furnish the receiving officer with invoices in duplicate, accurately enumerating the property, and the latter will return duplicate receipts. The transaction will appear on the property returns rendered by each.

748. When an officer to whom stores have been forwarded believes them to have miscarried he will promptly inform the issuing and forwarding officers.

749. If an officer to whom public property has been transferred refuses to receipt for it, the invoicing officer will report the facts to the commanding officer of the former for action. Copies of all papers relating to the transaction will be filed with his returns.

750. Upon the receipt of public property by an officer he will make careful examination to ascertain its quality and condition, but will not break original packages until issues are to be made, unless he has reason to believe the contents defective. Should he discover defect or shortage, he will apply for a board of survey to determine it and fix the responsibility. Should he consider the property unfit for use, he will submit inventories in triplicate and request the action of an inspector. The same rule will be observed in regard to packages when first opened for issue, and for property damaged or missing while in store.

751. When packages of supplies are opened for the first time, whether because of apparent defect or for issue, the officer responsible or some other commissioned officer will be present and verify the contents by actual weight, count, or measurement, as circumstances may require, and in case of deficiency or damage will make written report of the facts to the post commander. If only the officer responsible be present and make the report, he will secure the sworn statements in writing of one or more civilians or enlisted men regarding the condition of the property when examined. Should a board of survey be convened, the post commander will refer to it the report made by the examining officer, together with the sworn statements. At arsenals and depots where there are persons whose special duty it is to receive and issue public stores, the reports herein required may be made by them instead of officers of the Army.

752. The giving or taking of receipts in blank for public property is prohibited.

753. Supplies procured by one bureau will not be furnished to another, except by special authority of the Secretary of War. When furnished and restored in kind, they will be delivered at the post from which received, or at such other post as department commanders or chiefs of bureaus concerned may determine. If the transaction is between two bureaus of the War Department, payment will be made at the contract or invoice price of the stores; when between a bureau of the War Department and any other Executive Department, the amount to be paid will include the contract or invoice price and cost of transportation.

754. In no case will means of transportation or other property of any branch of the military service be taken as a part of the outfit of surveying or exploring expeditions for which Congress has made appropriations, without the express authority of the Secretary of War.

755. When it is impracticable for an officer to personally superintend his issues—as may be the case with one charged with disbursements, or the care of depots—he should choose with great caution the agent to whom he intrusts the duty.

756. The keys of storerooms or chests will not be intrusted to enlisted men or civilians without great vigilance on the part of the accountable officer and a resort to every reasonable precaution, including frequent personal inspections, to prevent loss or damage.

757. An officer in charge of public property in use or in store will endeavor by timely repairs to keep it in serviceable condition. For this purpose the necessary means will be allowed on requisition, and property in store so repaired will be issued.

758. All movable public property will if practicable be conspicuously branded "U. S." before being used.

759. Public property will not be used nor will labor hired for the Government be employed for any private purpose whatsoever, except as authorized in these regulations.

760. For property worn out in the public service the preliminary action of a board of survey is not necessary, and the accountable officer will submit inventories thereof and ask for an inspector's action. When the action of a board of survey and

an inspector are necessary, the inventory will be accompanied by a copy of the proceedings of the board.

761. Military stores and public property condemned and ordered sold will be disposed of for cash at auction, or to the highest bidder on sealed proposals, on due public notice, and in such market as the public interests may require. The officer making the sale will suspend it when in his opinion better prices can be obtained, except in the case of condemned animals, the disposition of which is provided for in paragraph 1150. The auctioneer's certified detailed account of the sale, and the vouchers for the expenses attending it, will be reported on the proper forms to the chief of the bureau to which the property pertained, and a copy of the auctioneer's detailed account of the sale will be furnished the Inspector-General.

762. Public property which has been condemned, or the issue price of which has been reduced by a board of survey, will not be purchased by an officer who was responsible therefor at the time of condemnation or reduction of price, nor by an officer who bore any part in such condemnation or reduction.

PROPERTY DAMAGED, LOST, DESTROYED, ETC.—REWARDS.

763. Causes of damage to, and of loss and destruction of, military property are classified as follows:

1. Unavoidable causes, being those over which the responsible officers have no control, occurring (*a*) in the ordinary course of service, or (*b*) as incident to an active campaign.

2. Avoidable causes, being those due to carelessness, willfulness, or neglect.

764. Officers responsible for property will be charged for any damage to or loss or destruction of the same, and the money value deducted from their monthly pay, unless they show, to the satisfaction of the Secretary of War, by their own affidavits or certificates or by one or more depositions that the damage, loss, or destruction was occasioned by unavoidable causes and without fault or neglect on their part.

765. The proper officers to administer oaths in the administration of the affairs of the Army (except when otherwise specially provided) are judge-advocates of departments, judge-advocates of courts-martial, the trial officers of summary courts, and, in the cases of boards of survey, the recorders thereof, or, if there be no recorder, the president thereof. When none of these are within reach and available, recourse must be had to a notary public or other civil officer competent to administer oaths for general purposes.

766. If an article of public property be lost or damaged by the neglect or fault of any officer or soldier, he shall pay the value thereof, or the cost of repairs, at such rates as a board of survey may determine.

767. The amount charged against an enlisted man on the pay rolls on account of loss or damage of or repairs to Government property shall not exceed the value of the article or cost of repairs; and such charge will only be made on conclusive proof, and never without an inquiry, if the soldier demand it. He will be informed at the time of signing the pay rolls that his signature will be regarded as an acknowledgment of the justice of the charge.

768. When a deserter carries away public property, or when such property is lost through his desertion, its value will be determined by a board of survey and charged against him on the next pay rolls as prescribed in paragraph 127 of these regulations.

769. If articles of public property are embezzled, or lost or damaged through neglect, by a civilian employee, the value or damage as ascertained (and by a board of survey if necessary) shall be charged to him and set against any pay or money due him.

770. Whenever information is received that animals or other property belonging to the military service of the United States are unlawfully in the possession of any person not in the military service, the quartermaster or other proper officer will promptly cause proceedings to be instituted and diligently prosecuted before the civil authorities for the recovery of the property, and, if the same has been stolen, for the arrest, trial, conviction, and due punishment of the offender and his accomplices.

771. Upon satisfactory information that such United States property, unlawfully in the possession of any parties, is likely to be taken away, concealed, or otherwise disposed of before the necessary proceedings can be had in the civil tribunals for its recovery, the post or detachment commander will at once cause the same to be seized, and will hold it subject to any legal proceedings that may be instituted by other parties. Persons caught in the act of stealing public property will be summarily arrested by the troops and turned over to the civil authorities for trial.

772. Quartermasters, after they have failed to get possession of a lost or stolen animal by the ordinary means, may authorize the payment of a reward of not more than $25 for its recovery. If the animal has been stolen, they may offer an additional reward of like amount for each person arrested, tried, convicted, and sentenced for the theft.

773. The expenses necessarily incurred by any action under the three preceding paragraphs, with the exception of attorney's fees, will be paid by the Quartermaster's Department, upon proper vouchers approved by the department commander. Officers will promptly report their action to department headquarters.

PROPERTY ACCOUNTABILITY.

774. All public property, whether paid for or not, must be accounted for on the proper returns.

775. An officer accountable for the public property of two or more companies will account for that pertaining to each, except quartermaster's supplies, on a separate return.

776. Accountability for public property will not be transferred to enlisted men, except to sergeants of the post noncommissioned staff at ungarrisoned posts and sergeants of the Signal Corps or enlisted men acting as such.

777. Vouchers for issues or expenditures of property not authorized by regulations will be accompanied by copies of the orders directing the issues or expenditures.

778. An officer will have credit for an expenditure of property made in obedience to the order of his commanding officer. If the expenditure is disallowed, it will be charged to the officer who ordered it.

779. Public property expended, lost, or destroyed in the military service must be accounted for by affidavit, or the certificate of a commissioned officer, or other satisfactory evidence.

780. When an enlisted man has, by a court-martial, been convicted of losing or damaging public property, the officer responsible for the property will send with his property return a certified copy of so much of the court-martial order as refers to the case, giving number, date, and place of issue of the order, and stating on the face of said copy the rolls on which the charges are made.

781. Should an officer or agent of the Government charged with public property fail to render the prescribed returns thereof within a reasonable time, a settlement of his accounts will be made by the proper bureau of the War Department, and the money value of the property with which he is charged will be reported against him for stoppage.

782. All returns of stores or supplies will be rendered as required by regulations or orders. Those of subsistence stores and subsistence property will be forwarded within ten days after the expiration of the accounting periods, and those of other classes of stores and property within twenty days, to the chiefs of bureaus to which they pertain. Abstracts of purchases will be forwarded with the money accounts.

ADMINISTRATIVE EXAMINATION OF PROPERTY RETURNS.

783. As soon as possible after the receipt of a return by the proper chief of bureau, it will be examined in his office, and the officer making the return will be notified of all errors and irregularities found therein and granted three months to correct them. Suspensions or disallowances will not be made on account of slight informalities which do not affect the validity of a voucher, but the officer's attention may be called to them. Whenever the errors have been corrected or compensation has been made for deficient articles, and the action of the bureau chief is sustained or modified by the Secretary of War, the return will be regarded as settled, and the officer who rendered it will be notified accordingly.

784. If the necessary corrections in the return be not made within the prescribed time the facts will be reported to the Secretary of War. When it has been determined that the money value of the property for which an officer has failed to account shall be refunded to the United States, the facts will be certified to the Auditor for the War Department by the proper chief of bureau.

ARTICLE LX.

LANDS, BUILDINGS, AND IMPROVEMENTS.

785. Land shall not be purchased for the United States except under an act of Congress authorizing the purchase, nor shall public money be expended for the erection of armories, arsenals, forts, fortifications, or permanent buildings of any description thereon, until the written opinion of the Attorney-General shall have been obtained announcing the validity of the title thereof in the Government, nor, if the land be within any State, until jurisdiction over it shall have been ceded to the United States by the legislature of the State, or such cession of jurisdiction shall have been expressly waived by Congress.

786. All papers relating to the Washington Aqueduct and public buildings and grounds in the District of Columbia will be filed in the office of the Chief of Engineers. All other deeds and papers pertaining to the title or sale of, and any lease, grant, license, or easement of, upon, or over any military reservation or other lands under the jurisdiction of the War Department will be filed in the office of the Judge-Advocate-General. When any such papers come into the possession of any bureau they shall within five days thereafter be transferred to the office of the Judge-Advocate-General.

787. Permanent military buildings will be constructed only under special authority granted by an act of Congress, unless the work or labor connected therewith is performed by troops, and in such case the authority of Congress must first be obtained if the estimated cost of the building or structure exceeds $20,000.

788. Permanent barracks, quarters, or other buildings, or piers or wharves, will not be erected or constructed except by the order of the Secretary of War, and in accordance with plans approved by him; nor will any material alterations be made in public buildings unless like authority is first obtained; nor will any expenditures exceeding $500 be made upon any building or grounds at any post, fort, arsenal, or depot without the approval of the Secretary of War and upon detailed estimates submitted to him.

789. A copy of the plat of the lands at each post, fort, arsenal, and depot, furnished from the proper bureau, will be carefully preserved in the office of the commanding officer.

ARTICLE LXI.

BOARDS OF SURVEY.

790. Public property which has been damaged, except by fair wear and tear, or is unsuitable for the service, before being submitted to an inspector for condemnation, will be examined by a board of survey. By order of the commanding officer, public animals may be killed to prevent contagion or terminate suffering; clothing infected with contagious disease, and stores that have become so deteriorated as to endanger health or injure other stores, may be destroyed; but in every case of this nature a board of survey shall act, and an inventory and inspection report signed by the accountable and commanding officers will be prepared and forwarded. In urgent cases the taking of proof and the preparation of written proceedings by the board may follow the destruction of the property.

791. A board of survey will be called by the commanding officer of the regiment, independent battalion, post, or station. Such boards may, however, be convened by the commanding officer of a department, an army corps, division, or brigade. It will be composed of three officers, exclusive of the commanding officer and those who are interested, if that number be present for duty; otherwise, of as many as are so present, exclusive of the commanding and interested officers; or if none but the commanding officer and interested officers be present for duty, then of the commanding officer. When only the responsible or interested officer is present, he will not constitute himself a board of survey, but will furnish the next higher commander authorized to convene such boards his certificate of facts and circumstances, supported by the testimony of witnesses, or by the affidavits of enlisted men or others who are cognizant thereof. Should the case thus presented not be considered satisfactory, or in a case in which only interested officers with opposing interests are present for duty at the post or station, the next higher commander authorized to convene boards of survey may make the necessary investigation. In cases where the property in question has been previously acted upon by a board of survey, the order convening the board will so state, and require that the proceedings of any previous board or boards be considered.

792. Commanding officers of regiments or separate battalions serving in the field and commanders of divisions and separate brigades have the same power to convene boards of survey and to act on their proceedings as are vested in the commanding officers of posts by these Regulations.

793. A board of survey must fully investigate matters submitted to it. It will call for all evidence attainable, and will not limit its inquiries to proofs or statements presented by parties in interest. It will rigidly scrutinize the evidence, especially in cases of alleged theft or embezzlement, and will not recommend the relief of officers or soldiers from responsibility unless fully satisfied that those charged with the care of property have performed their whole duty in regard to it. In no case, however, will the report of a board take the place of the evidence required in paragraph 764.

794. The party responsible for the property to be surveyed will in all cases furnish the original certificates or affidavits or the testimony of the witnesses upon which he relies to relieve him from responsibility and the number of duly attested copies of such affidavits or certificates thereof required by a board of survey to accompany its proceedings.

795. A board of survey has no power to administer oaths to its members, who act under the sanction of their oaths of office. It should hear in person or by deposition all persons concerned in the subject-matter before it.

796. The recorder or, if there be no recorder, the president of a board appointed to conduct an investigation under the authority conferred by section 183 of the Revised Statutes (act of March 2, 1901) has authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

797. A board of survey can not condemn public property. Its action is purely advisory. It is called for the purpose of ascertaining and reporting facts, submitting opinions, and maki g recommendations upon questions of responsibility which may arise through accident, mistake, or neglect. For example, it investigates and determines questions involving the character, amount, and cause of damage or deficiency which public property may have sustained in transit, store, or use, and which is not the result of ordinary wear and tear of the service, and reports the investigation made, its opinions thereon, and fixes responsibility for such damage or deficiency upon the proper party. It makes inventories of property ordered to be abandoned when the articles have not been enumerated in the orders for abandonment. It recommends the prices at which damaged clothing may be issued and the proportion in which supplies shall be issued in consequence of damage or deterioration that renders them, at the usual rate, unequal to the regulation allowance, fixing in each instance responsibility for actual condition. It verifies the discrepancy between invoices and the actual quantity or description of property transferred from one officer to another, fixes definitely amounts received for which the receiving officer must receipt, and ascertains, as far as possible, where and how the discrepancy has occurred. It inventories and reports the condition of property in the possession of deceased officers as provided for in paragraph 97.

798. The proceedings of a board of survey will be prepared in triplicate and signed by each member who concurs in the finding. Should a member not concur, he will submit a minority report, to be embodied in the record immediately after the majority report and signed by the dissenting member. The proceedings will then be submitted to the convening authority for approval or disapproval.

799. When the value of the property submitted for survey or the loss or damage to be inquired into does not exceed $500, and the interested officer does not request the department commander's action, the proceedings of the board will be considered complete, for submission as a property voucher, upon the approval of the convening authority. One copy will then be forwarded to department headquarters and the others delivered to the officer accountable.

800. Should the proceedings be disapproved by the convening authority, or should the value of the property submitted for survey or the loss or damage to be inquired into exceed $500, or, whatever the amount involved, should the officer pecuniarily interested request it, the proceedings in triplicate will be forwarded to the next higher commander authorized by paragraph 791 to convene boards of survey for review, and with his action are complete. One copy will then be filed at department headquarters and the others sent to the accountable officer. But all proceedings of boards of survey, whatever their nature or the amounts involved, are subject on call to the approval or disapproval of the next higher commander authorized to convene such boards, or such other action on his part as the merits of the case or the interests of the Government may in his opinion require.

801. The proceedings of a board of survey which recommends the relief of officers and enlisted men from responsibility should not be approved unless full and careful investigation and convincing proof to sustain the board's findings appear.

802. Properly approved proceedings of boards of survey may be submitted as vouchers to property returns. They are not to be considered as conclusive until accepted by the Secretary of War. Until then they are to be regarded simply as the opinions and recommendations of disinterested officers, to aid in the settlement of

questions of accountability between the Government and the individuals concerned. If, on examination in the proper bureau, they exhibit serious errrors or defects either of investigation or of finding, they will not be accepted as sufficient vouchers, and the officer submitting them will be duly notified, that he may have opportunity to make explanations or appeal to the Secretary of War.

803. At posts or stations not under the control of department commanders commanding officers will be governed by these regulations in convening boards of survey and acting upon their proceedings, but in cases referred to in paragraph 800 will forward the papers to the chiefs of bureaus to which the property pertains.

804. Separate proceedings of boards of survey will be had for each staff department concerned.

805. Whenever a board recommends a stoppage against an enlisted man and the recommendation is approved, the convening authority will cause a copy of the proceedings to be furnished to the company commander, who will charge the amount on the next pay rolls of the company.

806. If an inspection of property follows the action of a board of survey thereon, one copy of the proceedings will accompany the inventory and inspection report which is transmitted for approval, and will afterwards be returned to be used as a voucher to the officer's returns, and another, with the inventory and inspection report, will be filed by the officer with his retained papers.

807. For private property of officers or enlisted men lost or destroyed in the military service without fault or negligence on the part of the claimant, "where the private property so lost or destroyed was shipped on board an unseaworthy vessel by order of any officer authorized to give such order or direct such shipment," or "where it appears that the loss or destruction of the private property of the claimant was in consequence of his having given his attention to the saving of the property belonging to the United States which was in danger at the same time and under similar circumstances," compensation may be made under the provisions of the act of Congress approved March 3, 1885. Proceedings of a board of survey will, if possible, accompany each application under this act, showing fully the circumstances attending the loss. All personal property for the loss or destruction of which payment is claimed must be enumerated and described in the proceedings of the board of survey, but the finding of the board will recommend payment for only such articles as, in the opinion of the board, were reasonable, useful, necessary, and proper for the claimant to have in the public service in the line of duty.

ARTICLE LXII.

Civilian Employees.

GENERAL PROVISIONS.

808. In the staff corps and departments the employment of civilians will be regulated by the respective chiefs of bureaus under the direction of the Secretary of War. Those whose services are engaged with the intention or probability of retaining them for more than three months are classified as permanent employees. Their appointment, dismissal, promotion, or reduction will be made, under the supervision of the respective chiefs of bureaus, by the officers employing them, except as controlled by statute or the civil-service rules; but in selections for such employment preference will be given, as far as practicable, to applicants who have served meritoriously as enlisted men in the Army, and the appointments and promotions of all permanent employees, except mechanics, laborers, teamsters, and others of similar or kindred occupations, will be submitted for the approval or confirmation of the Secretary of War.

809. The clerks and messengers authorized by the act of Congress of August 6, 1894, will be employed and apportioned to the several headquarters and stations by the Secretary of War, and will not be ordered thence without his authority. All messenger service at the several department headquarters, except for staff officers not assigned to the department staff, and, as far as practicable, all clerical services thereat, will be performed by this class of employees.

810. Department commanders will confine expenditures for civilian employees within the allotments for the purpose made under the direction of the Secretary of War.

811. Civil engineers, clerks, inspectors, storekeepers, packers, watchmen, messengers, teamsters, mechanics, and laborers will, as a rule, be engaged by the month, day, or piece, and paid at the end of each calendar month. They will be designated upon the rolls in the capacity in which employed and at the rates established. When discharged and not paid, certified statements will be given them.

812. Eight hours constitute a day's work for all mechanics and laborers employed by or on behalf of the United States, except in cases of emergency. This rule does not extend to engineers, firemen, seamen, watchmen, messengers, teamsters, and others, the nature of whose employment is peculiar and whose services may be necessary at any or occasionally at all hours of the day.

TRAVELING EXPENSES.

813. For authorized journeys of civilian employees of any branch of the military service transportation requests will be obtained when practicable, but will be obtained in every case for travel over bond-aided railroads.

814. Reimbursement of actual expenses when traveling under competent orders will be allowed, under the following heads, to civilians in the employ of any branch of the military service, excepting the expert accountant of the Inspector-General's Department, paymasters' clerks, and those mentioned in the next succeeding paragraph, viz:

1. Cost of transportation (excluding parlor-car fare) over the shortest usually traveled route, when it was impracticable to furnish transportation in kind on transportation requests.

2. Cost of transfers to and from railroad stations, not exceeding 50 cents for each transfer.

3. Cost of one double berth in a sleeping car, or customary stateroom accommodation on boats and steamers when extra charge is made therefor.

4. Cost of meals not exceeding $3 per day while en route when meals are not included in the transportation fare paid; and not exceeding $3 per day for meals and lodgings during necessary delay en route.

5. Cost of meals and lodgings not exceeding $3 per day while on duty at places designated in the orders for the performance of temporary duty.

815. Laborers, teamsters, and employees of similar character, traveling under competent orders, will be entitled to such actual and necessary expenses of travel and subsistence as may be authorized by the chief of bureau which pays the accounts. Those in receipt of a ration under paragraph 1378 will not be allowed commutation therefor. If it be impracticable for them to carry rations in kind, rations will not be drawn for the period during which they are traveling.

816. None but the authorized items of traveling expenses of civilians will be allowed. They will in all cases be set forth in detail in each voucher for reimbursement supported by oath and, when practicable, by receipts.

817. Commutation of rations and other allowances for the subsistence of civilian employees hereinbefore provided, cease upon the arrival of the employees at the destination mentioned in their orders for travel; they must then subsist on their rations, if entitled to them, or provide for their subsistence out of their regular pay.

818. Paymasters' clerks and the expert accountant of the Inspector-General's Department when traveling on duty will, when transportation in kind can not be furnished by the Quartermaster's Department, be reimbursed for cost of transportation paid by them exclusive of parlor or sleeping car fares or transfers, and will receive in addition thereto, for all travel whether or not on transportation requests, four cents per mile for each mile necessarily traveled by them in the performance of duty; distance to be computed over the shortest usually traveled route.

819. Actual traveling expenses, as contemplated in the preceding paragraphs, are paid by the following departments, viz:

Pay Department.—To paymasters' clerks, the expert accountant of the Inspector-General's Department, civilians summoned as witnesses before, and authorized reporters of, military courts.

Ordnance Department.—To employees at arsenals and armories (cost of transportation included) from appropriations for the service of the Ordnance Department.

Engineer Department.—To employees on public works and fortifications (cost of transportation included) from appropriations made specifically for the work.

Quartermaster's Department.—To employees of the Quartermaster's and Subsistence Departments, and other employees of the Army not above provided for.

820. When officers of the staff departments change station the transfer of clerks or other employees to the new stations at the expense of the United States is prohibited, except in cases of urgent necessity, for which the sanction of the Secretary of War will be first obtained. The Pay Department is excepted from this regulation.

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ARTICLE LXIII.

STAFF ADMINISTRATION.

821. The supply, payment, and recruitment of the Army, and the direction of the expenditures of the appropriations for its support, are by law intrusted to the Secretary of War. He exercises control through the bureaus of the War Department. He determines where and how particular supplies shall be purchased, delivered, inspected, stored, and distributed.

822. When a chief of bureau of the War Department desires to change the station of an officer or enlisted man of his department, or to send him on duty peculiar thereto (except in cases of officers employed under the appropriation for the improvement of rivers and harbors), he will make application for authority to do so through the Adjutant-General of the Army, setting forth the reasons for the change or the purpose of the journeys.

823. The assignment to stations of staff officers and of enlisted men of the staff departments will be made by the Secretary of War in orders from the Headquarters of the Army, or by department commanders acting under the special authority of the Secretary of War. In the case of medical officers, the Surgeon-General, in recommending changes of stations, will designate the posts or stations to which he desires assignments to be made. The removal of an officer from the station to which he has been assigned by the Secretary of War will not be made by department commanders, except in cases of urgent necessity when time will not admit of first obtaining authority therefor from the Secretary of War; in such cases prompt report will be made to the Adjutant-General of the Army.

824. When business upon which a board of officers is to be assembled is solely within the sphere of duty of a particular staff department, and the members thereof are to be selected from the same, the chief of such department will call the board if it is to meet at a post or station under his immediate control and is to be composed only of officers serving thereat; otherwise the order appointing it will be issued by direction of the Secretary of War.

825. Copies of all important communications from a bureau of the War Department to a disbursing officer on the staff of a department commander, which concern service in such department, will be sent direct to the department commander.

826. Staff officers assigned to the command of an officer are under his supervision and control in all matters pertaining to or affecting the command which are not specially excepted therefrom by the regulations or orders of the War Department.

827. Commanders of departments, in order to avoid unnecessary clerical labor and accumulation of papers, will call upon officers under their orders for only such abstracts or reports, in addition to those required by regulations, as may be needed for proper administration.

828. Commanding officers will cause returns, requisitions, and estimates pertaining to their respective commands to be promptly made and forwarded.

829. Officers doing duty as staff officers at military posts will submit their estimates and requisitions for supplies, property, and money to their immediate commanding officers for revision and approval, who will carefully examine estimates and requisitions, and satisfy themselves that money or articles asked for are in amount, quantity, and kind actually required for the public service during the period covered.

830. The chief of each branch of the staff of any command will carefully revise the estimates and requisitions for money and supplies for the command in so far as his particular branch is concerned. He will ascertain and recommend the cheapest markets and most economical routes of transportation. Such officers will receive

from their commanders timely instructions as to all contemplated movements of troops and as to any probable increase or diminution of the garrison at any particular post, that a proper and economical distribution of supplies may be made.

831. Officers of the staff departments assigned to the charge of general depots, or to the duty of purchasing supplies for troops not included in the military department in which they are located, will submit to the department commander such estimates only as relate to the service under his command. In all other matters they will communicate directly with the chiefs of their bureaus.

832. It is the duty of commanding officers to enforce rigid economy in public expenses, and to correct all irregularity and extravagance which they may discover; to see that disbursements are economically made, and that public property is protected; to carefully scrutinize all contracts and vouchers for disbursements, and to guard the public interests in every particular.

ARTICLE LXIV.

ADJUTANT-GENERAL'S DEPARTMENT.

833. The Adjutant-General's Department is the bureau of orders and records of the Army.

Orders and instructions emanating from the War Department or Army Headquarters and all general regulations are communicated to troops and individuals in the military service through the Adjutant-General. His office is the repository for the records of the War Department which relate to the personnel of the permanent military establishment and militia in the service of the United States, to the military history of every commissioned officer and soldier thereof, and to the movements and operation of troops.

The records of all appointments, promotions, resignations, deaths, and other casualties in the Army, the preparation and distribution of commissions, and the compilation and issue of the Army Register and of information concerning examinations for appointment and promotion, pertain to the Adjutant-General's Office.

The Adjutant-General is charged, under the direction of the Secretary of War, with the management of the recruiting service, the collection and classification of military information in regard to our own and foreign countries, the preparation of instructions to officers detailed to visit encampments of militia, and the digesting, arranging, and preserving of their reports; also the preparation of the annual returns of the militia required by law to be submitted to Congress. Requests for military information, which require action on the part of any military attaché of the United States, will be made to the Adjutant-General of the Army.

834. In the Adjutant-General's Office the names of all enlisted soldiers are enrolled, enlistments and descriptive lists filed, deaths, discharges, desertions, etc., recorded, the general returns of the Army consolidated, returns of regiments and posts and all muster rolls, and the inventories of effects of deceased officers and soldiers preserved.

835. Rules for keeping record books, and forms for rolls, returns, etc., will be furnished the proper officers on direct application to the Adjutant-General of the Army.

836. Manuscript returns, rolls, certificates, and other documents are prohibited, when the proper printed forms are on hand.

ARTICLE LXV.

Military Correspondence.

837. An official letter should refer to one subject only. Letters of transmittal will be used only when necessary, and when used must refer only to the matter transmitted; none are required with rolls, returns, or periodical reports. Telegrams will be followed by official copies sent by first mail.

838. A half sheet of letter paper will be used for a communication requiring but a single page. When more than three pages are required for the body of a manuscript communication an additional half sheet, or more if necessary, will be neatly pasted to it, so that the last or outer page may be left entirely blank.

839. Letter paper will be folded in three and foolscap in four equal folds parallel with the writing. The inner or left edge of the sheet is the top when folded; the left fold of the outer page is the first fold. The first fold will be used exclusively for a brief analysis of the contents of the communication, the office marks, and note of inclosures.

840. The post-office address of an officer's station will be given in his official letters. Indefinite expressions of locality, which do not indicate where the letter was written, will not be used.

841. Official communications will be signed or authenticated with the pen and not by facsimiles. Signatures will be plainly and legibly written, with the rank and regiment or corps of the writer annexed; if by order, stating by whose order. By virtue of the commission and assignment to duty the adjutant-general or adjutant of any command transacts the business or correspondence of that command over his own signature; but when orders or instructions of any kind are given, the authority by which he gives the order must be stated. In the absence of a department commander, his adjutant-general, in signing the communications to be forwarded to higher authority, will add to his signature the words, "In the absence of the department commander."

842. An officer will not be designated in orders nor addressed in official communications by any other title than that of his actual rank.

843. A letter will be properly briefed at the first office at which it is received and entered.

844. Indorsements commence at the top of the second fold, and are numbered serially in order of dates on the successive folds, leaving room after each for office marks. Additional space for indorsements will be provided by pasting slips of paper on the under side of the last fold (right edge of original paper), each slip, when attached, to have the same length and width as the original fold, and to turn back upon the last fold like the leaf of a book. The first fold, on which the brief is made, is always outside. Printed labels, by way of indorsement, will not be pasted on official papers. In no case will a loose wrapper be placed around an official paper, except as a mere covering.

845. All inclosures will be numbered, and will be given the proper office marks. Inclosures to the original communication are noted on the first fold, just below the brief. If others are added when an indorsement is made, their number will be noted at the foot of the indorsement to which they pertain and also on the first fold of the original communication. To the latter notation will be added the number of the indorsement to which they belong, thus, "One inclosure—fifth indorsement." Inclosures to indorsements are numbered in the same series as those to the original paper, and the number of the indorsement to which they belong is added below. If few in number and not bulky, inclosures may be kept inside the original paper; otherwise they will be folded together in a wrapper marked "inclosures." Officers

through whose hands official papers pass will make the inclosures and slips secure when they are not so. (Models illustrating the system are furnished from the Adjutant-General's Office.)

846. Private correspondence from persons in the military service which they may desire to have forwarded through the dispatch agents of the United States will be addressed, under cover, to the War Department.

847. All communications on official matters intended for the Secretary of War, except as provided in paragraph 852, or the Commanding General of the Army will be in writing and addressed to the Adjutant-General of the Army. Communications, whether from a subordinate to a superior, or vice versa, will, as a rule, pass through intermediate commanders. In cases of necessity communication may be direct, the necessity therefor being stated. This rule will also govern in verbal applications. All communications from superiors to subordinates will be answered through the same channel as received. This paragraph, however, will not be interpreted as including matters in relation to which intermediate commanders can have no knowledge, and over which they are not expected to exercise control.

848. Official correspondence between the heads of the different departments of the staff of any command and its commander will pass through the adjutant-general or adjutant of the command. Communications to or from a commander and his subordinates will pass through the same channel. Communications, however, between a disbursing officer and the chief of the bureau in which he is serving, which do not involve questions of administrative responsibility within the supervision of commanding officers, nor affect the official interests of individuals, but which relate exclusively to the routine of business in his department, will pass direct.

849. Except as provided in paragraph 852, all communications, reports, and estimates from officers serving at a military post, and communications of every nature addressed to them relating to affairs of the post, will pass through the post commander.

850. Officers who forward communications will indorse thereon their approval or disapproval, with remarks. No communication should be forwarded to the Adjutant-General of the Army by a department commander or other superior officer for the action of the Commanding General of the Army or the Secretary of War without some recommendation or expression of opinion.

851. A commander or chief of bureau may communicate with those under his command or direction through a staff or other suitable officer. With all others he will himself make the communication.

852. Chiefs of bureaus of the War Department are authorized to correspond directly with the Secretary of War and with the subordinate officers of their respective corps upon any matter relating exclusively to the duties of the bureau required by statute to be performed under the direction of the Secretary of War, and necessary subreferences of such correspondence and subreports will, in like manner, be direct through officers of the respective corps. Such correspondence with subordinate officers will not embody instructions to be carried out by an officer reporting to or serving under an officer commanding troops, in relation to any matter not specifically excepted from his command and control by law, or by the Secretary of War; and replies thereto will not embody remarks or recommendations on matters pertaining to the administration of the officer commanding.

853. Unless otherwise expressly authorized by statute, an application for the official opinion of the Judge-Advocate-General or of an officer of any executive department of the Government other than the War Department will be addressed to the Adjutant-General of the Army, and by him submitted to the Secretary of War. Abstract questions will not be presented.

854. Unimportant and trivial communications need not be forwarded to the Adjutant-General of the Army simply because addressed to him. Department commanders should decide whether a communication is of sufficient importance to be forwarded to the Commanding-General of the Army or the Secretary of War.

855. In official correspondence between officers of the Army and officials of other branches of the public service, and especially in matters involving questions of jurisdiction, conflict of authority, or dispute, officers of the Army are reminded that their correspondence should be courteous in tone and free from any expression partaking of a personal nature or calculated to give offense. Whenever questions of such character shall arise and it is found that they can not be reconciled by an interchange of courteous correspondence, the officer of the Army, as the representative of the interests of the War Department in the matter involved, will make a full presentation of the case to the Secretary of War, through the proper military channels, in order that the same may be properly considered.

ARTICLE LXVI.

Orders.

856. The orders of commanders of armies, corps, divisions, brigades, regiments, posts, territorial departments, and districts are denominated "general (or special) orders" of such army, corps, etc., according to character. General and special orders are numbered in separate series, each beginning with the calendar year or at the time of the establishment of the headquarters. Orders issued by commanders of battalions, companies, or small detachments are simply denominated "orders," and are numbered in a single series, beginning with the year. Circulars issued from any headquarters are numbered in a separate series.

857. General orders announce the time and place of issues and payments, hours for roll calls and duties, police regulations and prohibitions, returns to be made and their forms, laws and regulations for the Army, promotions and appointments, eulogies or censures, the results of trial by general courts-martial in all cases of officers or of enlisted men involving matters of general interest and importance, and, generally, whatever it may be important to publish to the whole command. Orders eulogizing the conduct of living officers will not be issued except in cases of gallantry in action or performance of specially hazardous service.

858. Special orders are such as concern individuals or relate to matters that need not be made known to the whole command.

859. General orders and all important special orders must be read and approved, before issue, by the officer whose orders they are.

860. An order will state at its head the source from which it emanates, its number, date, and place of issue, and at its foot the name of the commander by whose authority it is issued. It may be put in the form of a letter addressed to the individual concerned through the proper channel.

861. Orders for any body of troops will be addressed to its commander. They will be executed by the commander present, and will be published and copies distributed by him when necessary.

862. In the field, verbal and important written orders are carried by officers. Dispatches for distant corps should be intrusted only to officers to whom their contents may be confided.

863. Mounted enlisted men will be employed to carry important dispatches only in special and urgent cases. The precise hours of departure and the rates at which they are to be conveyed will be written clearly on the covers of all dispatches transmitted by mounted orderlies.

864. Orders to an officer involving travel on duty, as for the inspection or payment of troops, etc., will designate the troops and posts to be visited and the order in which he will visit them.

865. Orders and instructions will be transmitted through intermediate commanders, in order of rank, except when they are of such character that the commanders have no power to modify or suspend them. In such cases the orders or instructions will be sent direct to the officer by whom they are to be executed, copies being furnished to the intermediate commanders.

866. Printed orders are generally distributed direct to posts by the headquarters from which issued. Files of such orders will be kept by each regiment and company, and at each military post, and will be turned over by a commander, when relieved, to his successor. If general orders in regular succession are not received within a reasonable time, commanding officers will report missing numbers to the proper headquarters.

867. In the distribution of orders and circulars from the office of the Adjutant-General of the Army, division and department commanders are furnished such number of copies as they may deem necessary to supply all the officers on duty at their headquarters and a surplus number to meet special demands.

1. *General orders.*—Commanding officers of posts are furnished one copy of each general order or circular for personal file, one for post file, two for each company (one for the captain's personal file and the other for the company file), and fifteen copies for regimental field officers and the post staff (excepting the surgeon and quartermaster, who are supplied through their respective departments).

Commanding officers of regiments serving at military posts are furnished five copies for the regimental files in addition to the number furnished them as post commanders. When a regiment is serving in the field forty copies are furnished regimental headquarters, one copy each for battalion commanders and battalion adjutants, two copies for companies, and remaining number for colonel, lieutenant-colonel, staff, and surplus.

Officers of the staff departments are furnished copies through the chiefs of their respective departments.

2. *Special orders.*—Seven full copies of special orders are furnished to the headquarters of each military division and department. These are intended for the department commander, adjutant-general, inspector-general, judge-advocate, chief quartermaster, chief commissary, and chief surgeon. The chief paymaster is furnished a copy through the Paymaster-General of the Army.

Extracts of special orders are furnished to all concerned only, either direct or through the immediate commander.

868. In camp or garrison, orders that affect a command will, as a rule, be read to the troops at the first regular parade after they are received. In the field, when orderly hours can not be observed, they will be sent direct to the troops, or commanders of regiments or corps will be informed when to send to headquarters for them, or during a halt orders will be read to troops, without waiting for the regular parades.

869. Copies of all orders issued by commanders of armies or territorial departments will be forwarded at their dates, or as soon as practicable, to the Adjutant-General of the Army and to the head of each staff department in Washington.

870. To meet the requirements of the office of the Adjutant-General of the Army, commanding generals of military divisions and departments will hereafter furnish this office the following number of copies of orders and circulars, three copies to be official, as soon as issued from their headquarters:

	Copies.
General orders and circulars	15
Special orders	7
Rosters of troops	15
Index to general orders and circulars	10
Index to special orders	5

The commanding generals of the Division of the Philippines and of Cuba will furnish twice the number indicated above, and also thirty copies of all orders and circulars issued by them in relation to civil affairs.

Commanding officers of military districts and separate brigades will forward two copies of all orders and circulars as soon as issued from their headquarters.

871. The date of any appointment, detail, or removal affecting the pay of staff officers or acting staff officers will be immediately reported by the officer making the same to the Adjutant-General of the Army and to the paymaster of the department or command to which such officers belong.

ARTICLE LXVII.

Muster Rolls.

872. At every muster of troops pay rolls will be prepared, signed, and disposed of in accordance with the directions on the blank forms furnished by the Paymaster-General of the Army, and at each bimonthly muster on the last day of February, April, June, August, October, and December muster rolls will be prepared, signed, and disposed of in accordance with the directions on the blank forms furnished by the Adjutant-General of the Army.

There will be reported on the regimental roll the regimental field officers, staff (commissioned and noncommissioned), and band; on the post artillery corps rolls, the noncommissioned staff (artillery corps bands on separate rolls); on the company rolls, the officers and enlisted men belonging to the company; on the hospital rolls, the medical officers, the hospital corps, and the authorized matrons; on the post noncommissioned staff rolls, the post noncommissioned staff. (These rolls will be prepared and signed by the adjutant, who will also keep the accounts and prepare the final statements of the men borne thereon.) Enlisted men of the Signal Corps serving at the post will be mustered on a separate detachment roll.

873. A soldier on duty or in hospital at a post or station where his company is not mustered will be mustered on a detachment roll, a separate roll being prepared for each regiment or corps.

874. Companies will be designated on the rolls by letters or numbers, and regiments or corps, and by the names of their captains whether present or absent.

875. Corrections on muster and pay rolls, after muster and before they have been forwarded, will not be made except with the approval of the mustering officer. Retained rolls will not be changed without authority from the War Department. Calculations on the pay roll are made by the paymaster and copied on the retained roll by the company or detachment commander, who will certify that he witnessed the payment, and will enter thereon the name of the paymaster.

ARTICLE LXVIII.

RETURNS OF TROOPS; RECORDS.

876. Commanders of departments, corps, and posts will make to the Adjutant-General's Office, in Washington, monthly returns of their respective commands on forms furnished by the Adjutant-General of the Army, and in accordance with the directions printed thereon. In like manner company commanders will make monthly returns of their companies to regimental headquarters. Commanders of military departments, in rendering the monthly returns required by this paragraph, will cause separate returns to be made of the regular and volunteer troops serving in their respective commands.

877. Every commander of a separate body of troops, whether an army corps, division, brigade, regiment, or detachment, and whether engaged in campaign, field service, or occupying a temporary camp, or simply in transit from one place to another, will make the monthly return required in the preceding paragraph. Any detachment so far separated from the main body to which it belongs as to render it impracticable for the commander of the main body to make the muster and inspection enjoined by the regulations is a separate command within the meaning of this paragraph.

878. At the close of January, March, May, July, September, and November of each year each company commander will forward with his morning report to the commanding officer a report of enlisted strength in the prescribed form. These the commanding officer will at once transmit to the Adjutant-General of the Army. Regimental commanders will forward similar reports of noncommissioned staff and band, including unassigned recruits if any.

879. Commanding officers of all detached or independent batteries, troops, or companies, in the field, will forward a monthly company return direct to the Adjutant-General of the Army.

880. Regimental returns will be made in the name of the colonel and those of the company in that of the captain, whether those officers be present or absent.

881. When a field officer is serving with detached companies of his regiment the commanders thereof will forward their returns through him, and he will transmit them with his personal report to regimental headquarters.

882. In campaign one copy of every return of troops will be forwarded through intermediate commanders and one direct to the Adjutant-General of the Army, unless otherwise ordered.

883. Whenever the strength of a separate command is temporarily or permanently increased or diminished by the moving of any organization, the commanding officer will immediately inform the Adjutant-General of the Army direct, designating the organization moved, number and names of officers, and strength in men, animals, and arms.

BATTLE REPORTS, RETURNS OF EFFECTIVES, CASUALTIES, ETC.

884. In campaign two columns will be added to the monthly return in the space reserved for remarks, in which shall be entered the effective strength of the organization. In determining such strength only those who are available for service in the line of battle will be included. Officers or enlisted men who are sick or disabled, on duty in any of the staff or supply departments, or detached for any cause will be excluded.

885. After every battle or engagement with the enemy, written reports thereof will be made by commanders of regiments, separate battalions or squadrons, companies or detachments, and by all commanders of a higher grade, each in what concerns his own command, which reports will be forwarded, through the proper channel, to the Adjutant-General of the Army.

886. Whenever upon marches, guards, or in quarters different corps of the Army happen to join or do duty together, and an officer of the Marine Corps or the militia shall command the whole, pursuant to the 122d article of war, such officer shall report his action and the operations of the force under his command through military channels to the Secretary of War, as well as to his superiors in his own branch of the service.

887. Within two days after every action, the surgeon on duty with a regiment or detachment participating will forward, through military channels, to the chief surgeon, a list of wounded in duplicate. The chief surgeon will immediately forward one copy to the Surgeon-General and retain the other to accompany his report to the commanding general.

888. After any action or affair resulting in casualties, a return in triplicate of killed, wounded, and missing will be made, containing the name, rank, and regiment of each person, with such remarks and explanations as may be necessary to a full understanding of any claims of the wounded soldiers or of representatives of the deceased. The nature of the wound, the time when and place where received, the company, regiment, or corps to which the person belongs, and the name of his captain, colonel, or other commanding officer will be carefully entered. One copy of this return will be retained, one forwarded direct, and the third through military channels to the Adjutant-General of the Army.

889. A return of all captured property will be rendered to the Adjutant-General of the Army, through intermediate channels, by the immediate commander of the troops making the capture.

RECORDS.

890. All military records must be carefully preserved.

891. All public records and papers, such as letters and telegrams received, books of general and special orders and circulars, books of letters received and sent, guard report, morning report, descriptive and clothing, sick reports, etc., are the property of the United States and will be required by the War Department in the settlement of claims against the Government, and for other official purposes. Whenever posts, districts, geographical departments, corps, divisions, brigades, regiments, and companies are discontinued, all such records will be carefully labeled and packed, and marked, showing the command to which they pertain, and forwarded by express to the Adjutant-General of the Army.

892. The use of colored inks, except as carmine or red ink is used in annotation and ruling, is prohibited in the records and correspondence of the Army.

893. Sections 5403 and 5408, Revised Statutes, prescribe penalties for the fraudulent or wrongful destruction, withdrawal, or removal from any public office of any public record, paper, or document therein deposited.

894. No information will be furnished by any person in the military service which can be made the basis of a claim against the Government, except it be given as the regulations prescribe to the proper officers of the War, Treasury, or Interior Departments, or the Department of Justice. Information concerning sick and wounded officers and enlisted men may be freely conveyed to allay the anxiety of friends. The fact of death may be communicated to relatives, but not circumstances connected therewith which could be made use of in prosecuting claims against the Government. If any person in the military service has knowledge of facts pertaining to the service of an individual who is an applicant for a pension, he may, upon request, if not pecuniarily interested, furnish a certificate or affidavit setting forth his knowledge; but record evidence will be furnished by the War Department only.

ARTICLE LXIX.

PERSONAL AND EFFICIENCY REPORTS.

895. When any officer arrives at Washington, D. C., he will report at the Adjutant-General's Office, and will there record his name, residence in the city, and the authority by which he is absent from his station.

896. All general officers will make a monthly report to the Adjutant-General of their station, duties, etc., and the names of all aids-de-camp attached to their staffs.

897. All officers of the Regular or Volunteer armies, absent from their regiments, corps, or commands, will, at the end of each month, make report by letter to the Adjutant-General of the Army, giving their address; if on duty, the date of commencement of same, nature thereof and by what authority, and if not on duty, date of commencement of and authority for absence.

898. An officer detached from his regiment or corps for duty at another station, or a field officer serving with troops but not at the headquarters of his regiment, will immediately report to the Adjutant-General of the Army and to his regimental and post commanders the time of departure from former station, of arrival at new station with a reference to the authority for the change, and his post-office address. As soon as practicable he will in like manner report the nature of his duties, and from time to time any material change therein, and any change of address, to the same officers. An officer of a staff corps or department, or an officer serving therein who is not carried on department or post returns, will make similar reports to the Adjutant-General of the Army and the head of the corps or department, and such other reports as the chief of the bureau may require. Every officer on the retired list will, unless specially exempted, report his address to the Adjutant-General of the Army quarterly—on March 31, June 30, September 30, and December 31—and will also report promptly each change of address.

899. An individual service report will be made on June 30 of each year by each officer of the Army, except general officers and the chief of each staff corps or department. All reports made by regimental officers will be forwarded direct to the regimental commander, who will transmit them, with his own individual report, direct to the Adjutant-General of the Army. The reports of officers of artillery will be sent to the Adjutant-General of the Army through post commanders and the chief of artillery. Reports made by staff officers will be forwarded direct to the chiefs of their respective corps or departments. Should any officer be unable, from any cause, to prepare his report on the required date, it will be forwarded at the earliest date practicable thereafter.

900. Efficiency reports will be made at the close of each fiscal year:

1. By the commander of each department, respecting each officer of his personal and departmental staff, and each officer who has commanded a post or important camp, or has been in charge of a supply depot under his command, and by each officer of the Corps of Engineers in charge of an engineering division, respecting each officer under his orders.

2. By the chief of each bureau, respecting each officer of the Army who is not otherwise reported upon under these regulations, but who reports directly to the bureau chief.

3. By the commanding officer of each post, important camp, arsenal, or armory; by each officer in charge of a depot, engineer in local charge of works, the commandant of each service school, and the Superintendent of the Military Academy, respecting each officer of the Army serving at any such post, camp, station, school, etc., during the year.

901. All efficiency reports respecting regimental officers and officers of artillery will be forwarded to the Adjutant-General of the Army, and those respecting officers of the staff corps and departments to the chiefs of bureaus through intermediate commanders, who will indorse thereon such remarks as may be proper in each case.

902. Each officer who makes the annual inspection of the military department of any civil institution of learning will, immediately after the inspection, forward to the Adjutant-General of the Army an efficiency report respecting each Army officer on duty at the institution.

903. The Inspector-General will forward to the Secretary of War extracts of all inspection reports containing specially favorable or unfavorable mention of any officer. Extracts respecting officers of the line and chaplains will be sent through the Adjutant-General of the Army, and those respecting officers of the staff corps or departments through the respective chiefs of bureaus. Copies of unfavorable reports will be sent by chiefs of bureaus to officers reported upon, for their remarks, and these, when received, will be filed with original extracts.

904. In preparing efficiency reports, reporting officers will exercise the greatest care to set forth all facts concerning each officer and his record which may aid the Department in forming a true estimate of standing, ability, and special fitness for any military duties.

905. Chiefs of staff corps and departments will note the correctness of the reports received and will add any data known to them which will contribute to the completeness of the record in each case. All service and efficiency reports will be transmitted to the Secretary of War as soon as practicable after their receipt, verification, and completion.

ARTICLE LXX.

Penalty Envelopes.

906. Official communications, and other mailable matter relating exclusively to the public business, will be transmitted through the mails free of postage, if inclosed in the "Penalty envelope." Where an officer writes to a private party on official business he may inclose with his letter an official penalty envelope, properly addressed to himself, to cover the reply.

907. Information which is intended to be used in the performance of official duty only is official information, while that which is intended to be used for the furtherance of private interest, ends, or business in any way whatever, though called for by a public officer, is private information. The official envelope may be used to give or obtain the former, but not the latter.

908. Envelopes for official mail matter for the bureaus of the War Department and Headquarters of the Army will have "War Department," the designation of headquarters, bureau, or office, "Official Business," printed in three or four lines, as may be required, in the upper left corner, and in the upper right corner the following: "Penalty for private use, $300." Envelopes for the use of the headquarters of a territorial department, for a post, station, armory, arsenal, depot, or school of instruction, will be of the same form, with the proper substitution for the designation of the bureau or office, and with the address when necessary. Envelopes required for the transmission of printed matter may also have printed thereon "Printed matter." Other printing or ruling on such envelopes at public expense is prohibited unless printed at the Government Printing Office. For the official business of officers not embraced in the foregoing classes, and officers on the retired list, the heading "War Department," "Official Business," will be placed across the left end of the envelope, with the officer's official signature written immediately below it, and with the penalty clause in the upper right corner.

909. Packages of public property weighing not more than 4 pounds may be sent through the mails under cover of the penalty envelope. Penalty envelopes with return address may be furnished to any person from whom official information is desired, or for the return of official vouchers, but will not be furnished to merchants or other dealers to cover the transmission of public property.

910. The use of freight or express lines for transmitting official letters or packages that can be sent by mail is forbidden.

911. The penalty envelope will not be used for foreign correspondence.

ARTICLE LXXI.

The Recruiting Service.

CLASSIFICATION AND DETAILS.

912. The recruiting service is general and special—general when it concerns the whole Army, and special when it concerns particular military organizations.

913. Details of officers for the general recruiting service, except at posts, will ordinarily be for two years, and will be announced in orders from the Adjutant-General's Office.

914. Officers of the general recruiting service not at posts will not be ordered on any other duty, except by authority from the Adjutant-General's Office.

RENDEZVOUS AND STATIONS.

915. Recruiting stations are the places where recruits are enlisted. Recruit rendezvous are the designated posts at which general service recruits are collected for distribution to regiments.

916. Recruits at each rendezvous will constitute a recruit detachment to be instructed by officers and noncommissioned officers of the garrison detailed by the commanding officer or by others detailed for this purpose. The immediate command of the detachment will be vested in the senior officer on duty with it. In all matters of police and discipline these recruits are under the command of the post and department commanders, but in all other matters, including discharges for disability, they are directly under the orders of the Secretary of War. Each officer in command of a recruit detachment will forward, through the post commander, direct to the Adjutant-General of the Army, trimonthly reports of the strength of the detachment.

917. The recruiting officer in charge of each city station of the general recruiting service, having first satisfied himself of the soldiers' fitness for the positions, will announce in orders from his station, and muster from the date of such announcement, one member of his recruiting party as sergeant and one as corporal "of the arm of the service to which they respectively belong," i. e., either infantry, cavalry, or artillery. Such orders will be spread upon the records of the recruiting station and a copy of each order will be forwarded to the Adjutant-General's Office (Recruiting Division); a copy will also be furnished to each soldier concerned.

918. Members of recruiting parties will be regarded as belonging to the arm of the service for which they last enlisted or from which they were transferred to the general recruiting service. Any member of a party who may have been enlisted for the general service without choice or designation of a particular arm of the service will be mustered as an infantry soldier if enlisted for the foot service or as a cavalry soldier if enlisted for the mounted service.

919. Members of recruiting parties announced and mustered under the provisions this order as sergeants or corporals will not be reduced while performing such

duty, without the approval of the Adjutant-General. Their appointments as sergeants or corporals will, however, terminate whenever they are relieved from recruiting duty, or when the stations at which they are serving are discontinued, unless they shall be assigned to other recruiting stations at which there are vacancies in their respective grades. The recruiting officer will in every case announce in orders the date of the termination of an appointment as sergeant or corporal and furnish copies of each order as indicated in paragraph 917.

920. All transfers of enlisted men to the general recruiting service for duty on recruiting parties will be as privates, the question of their promotion as sergeants or corporals being for determination after their fitness and capacity shall have been demonstrated. Individual applications for such transfers will be forwarded, whenever practicable, through the proper commanding officers, who will indorse thereon their recommendations, based upon service and merit, and also a statement of the soldier's fitness for recruiting duty, especially as regards clerical ability and knowledge of army papers. The transfers will be made from time to time, as the interests of the service require, in orders from the office of the Adjutant-General of the Army.

ENLISTMENTS.

921. Any male citizen of the United States or person who has legally declared his intention to become a citizen, if above the age of twenty-one and under the age of thirty-five years, able-bodied, free from disease, of good character and temperate habits, may be enlisted under the restrictions contained in this article. In regard to age or citizenship this regulation shall not apply to soldiers who have served honestly and faithfully a previous enlistment in the Army.

922. Applicants for original enlistment and men who apply to reenter the Army after an interval of more than three months from date of discharge will be required to furnish evidence of good character. To determine an applicant's fitness and aptitude for the service and to give him an opportunity to secure testimonials of character, he may, after having signed the declaration of intention to enlist and passed the required examination, be retained and provided for not to exceed six days. Men so retained will be known as "recruits on probation." The enlistment paper of any such recruit who may be unfit or undesirable for the service, or who may not desire to remain in the service, will not be completed. The enlistment papers of recruits who are accepted and duly sworn will bear the date on which the enlistment is completed by administering the oath.

923. The enlistment of persons of any of the following classes is prohibited: Former soldiers whose service during last term of enlistment was not honest and faithful, insane or intoxicated persons, deserters from the military or naval service of the United States, persons who have been convicted of felony or who have been imprisoned under sentence of a court in a reformatory, jail, or penitentiary; also for original enlistment, persons under eighteen or over thirty-five years of age, and, for first enlistment in time of peace, any person (except an Indian) who is not a citizen of the United States, or who has not made legal declaration of his intention to become a citizen of the United States, or who can not speak, read, and write the English language.

924. Recruiting officers will be very particular to ascertain the true age of the recruit. If any doubt exist as to the applicant's statement regarding his age, his oath will not be taken as conclusive evidence of the fact, and if he can not furnish competent proof to support his statement he will be rejected. Minors between the ages of eighteen and twenty-one years may be enlisted with the written consent of father, only surviving parent, or legally appointed guardian. When a minor presents himself for enlistment under the provisions of this paragraph, his parents or guardian, should he have any, will be found and informed of the application; should

he be without parents or guardian, the recruiting officer must reject him unless the applicant shall procure the legal appointment of a guardian and obtain his written consent.

925. Recruiting officers will be held to a rigid accountability for the enlistment of men who may be found unfitted for the service. If a recruit, after having been enlisted, be rejected, or discharged as a minor, and it appear that the enlistment was carelessly made or in violation of these regulations, the expenses incurred in consequence of the enlistment may be stopped against the pay of the officer responsible.

926. The enlistment or reenlistment of married men for the line of the Army is to be discouraged, and will be permitted only for some good reason in the public interest, the efficiency of the service to be the first consideration. Applications for such enlistments or reenlistments will be finally determined by the regimental commander, or other proper commanding officer if there be no regimental organization.

927. After the nature of the service and terms of enlistment have been fully explained to the applicant, and before the enlistment blanks are filled, the officer will read to him and offer for his signature the following declaration which will be contained in the enlistment paper:

I, ——— ———, desiring to enlist in the Army of the United States for the term of three years, do declare that I have neither wife nor child; that I am of the legal age to enlist, and believe myself to be physically qualified to perform the duties of an able-bodied soldier; and I do further declare that I am of good habits and character in all respects and have never been discharged from the United States service (Army or Navy) or any other service on account of disability or through sentence of either a civil or military court, nor discharged from any service, civil or military, except with good character, and for the reasons given by me to the recruiting officer prior to this enlistment. [Here add, in case of an applicant for first enlistment: And that I am, or have made legal declaration of my intention to become, a citizen of the United States.]

Given at ———, this —— day of ———, 190—

——— ———.

Witness:

——— ———.

——— ———.

If the applicant be a minor, his parents or guardian must give consent in writing in the following terms:

I, ——— ———, do certify that I am the (father, only surviving parent, or guardian, as the case may be) of ——— ———; that the said ——— ——— is —— years of age; and I do hereby freely give my consent to his enlisting as a soldier in the Army of the United States for the period of three years.

Given at ———, this —— day of ———, 190—.

——— ———.

Witness:

——— ———.

This consent will appear on the enlistment paper and will follow the foregoing declaration.

928. Recruiting officers will not allow any man to be enticed into the service by false representations, but will, in person, explain to every man before he signs the enlistment paper the nature of the service, the length of the term, the amount of pay, clothing, rations, and other allowances to which a soldier is entitled by law.

929. As soon as practicable, and within six days after he has been accepted on probation, the following form of enlistment will be signed by and oath administered to the recruit:

STATE OF ———, *city or town of* ———, *ss:*

I, ——— ———, born in ———, in the State of ———, aged —— years and —— months, and by occupation a ———, do hereby acknowledge to have voluntarily enlisted (or reenlisted) this —— day of ———, 190—, as a soldier in the Army of the United States of America, for the period of three years, unless sooner discharged by proper authority; and do also agree to accept from the United States such bounty, pay, rations, and clothing as are or may be established by law. And I do solemnly

swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles of War.

——— ———. [SEAL.]

Subscribed and duly sworn to before me this ——day of ———, A. D. 190—.

——— ———,

———,

Recruiting Officer.

This oath may be administered by any commissioned officer of the Army.

930. Such of the Articles of War as relate specially to the duties and rights of enlisted men and the penalties for military crimes will be plainly read and, so far as necessary, explained to each recruit just before administering to him the oath of enlistment. Within six days thereafter the Articles of War will be read to the recruit.

931. Enlistment papers and recruiting returns will be made on printed forms furnished by the Adjutant-General of the Army, and will be executed and disposed of in accordance with directions thereon. One enlistment paper, only, will be made in the case of a soldier enlisted, or reenlisted, for the line of the Army.

932. The real name of the recruit will be ascertained, correctly spelled, and written in the same way wherever it occurs, and the Christian name will not be abbreviated.

933. Enlistments will not be antedated so as to allow a soldier additional pay for reenlistment who applies after the period for reenlisting has expired; but when a soldier presents himself for reenlistment and it is necessary to obtain information in his case, or the approval of higher authority, his reenlistment may be made to antedate the time of administering the oath, but must not bear a date prior to the day on which he presented himself.

934. When a soldier reenters the service, the officer who enlists him will indorse on the enlistment paper next below his own name and regiment, "second (or third) enlistment," as the case may be, together with the company and regiment in which the soldier last served and the date of discharge from former enlistment. This information the recruiting officer will obtain if possible from the soldier's discharge, which the latter should be required to exhibit.

935. An officer who enlists or reenlists a man who has been discharged from the Army will immediately give notice of the fact to the commanding officer of the company from which the man was last discharged, stating, if practicable, designation of the organization to which he has been assigned. On receiving this notice the commander of the company from which the man was discharged will record the fact of enlistment or reenlistment in the company descriptive book. Should it appear that deception has been practiced he will report the case to the Adjutant-General of the Army. The recruiting officer will enter the fact of enlistment or reenlistment, with date and place upon the certificate of discharge from former enlistment, which the soldier should have in his possession.

936. Application to reenter the Army from persons of any of the following classes will not be granted without special authority from the Adjutant-General of the Army:

1. Former soldiers who have been discharged before expiration of term of service, excepting those discharged under the provisions of paragraphs 156 and 157.

2. Former soldiers who have been discharged with character other than good, or its full equivalent.

3. Former soldiers over forty years of age who were last discharged as privates and have failed to reenlist within three months thereafter. In such cases the applications must show that the enlistments will be for the interests of the service.

4. Former soldiers who can not pass the required examination in all respects. Applications of this nature should show that any existing defects will not prevent the performance by the applicant of full military duty.

937. Enlisted men of good character and faithful service who, at the expiration of their terms, are undergoing treatment for injuries incurred or disease contracted in the line of duty, may be reenlisted if they so elect, and if the disability prove to be permanent they will subsequently be discharged on certificates of disability. An enlisted man not under treatment, but who has contracted in the line of duty infirmities that may raise a question of physical eligibility to reenlistment, but not such as to prevent his performing the duties of a soldier, may be reenlisted by authority of the War Department on application made through the surgeon and proper military channel in time to receive a decision before the date of discharge.

938. An applicant will be subjected to the required examination before application is made to the Adjutant-General of the Army for special authority for his enlistment or reenlistment. The result of the examination will be stated in the application. Commanding officers forwarding applications from men of their commands for permission to reenlist for some other organization will report in each case whether the applicant is married or single, what character will be given him on discharge, and whether or not he can pass the required examination.

MEDICAL INSPECTION.

939. The physical examination of recruits will be conducted in accordance with the authorized manual for the examination of recruits. The enlistment paper of each recruit must show what indelible or permanent marks were found on his person.

940. The recruiting officer will be present at the physical examination of the recruit by the surgeon. In the absence of a commissioned medical officer or contract surgeon recruiting officers will, whenever practicable, employ a civilian physician to make the physical examination preceding enlistment (see par. 1662). A recruiting officer who employs a civilian physician in the manner indicated (in the absence of a commissioned medical officer or acting assistant surgeon) is authorized to take the physician with him to examine recruits when ordered from place to place to make enlistments, and will call upon the proper officer of the Quartermaster's Department to provide the necessary transportation for the civilian physician. At recruiting stations where a large number of recruits are to be examined application will be made to the Surgeon-General for authority to employ a physician by the month under contract. When a recruiting officer who has employed a physician by the month under contract under proper authority is ordered from place to place to make enlistments, he will give the physician proper written orders in advance to accompany him for the purpose of examining recruits, naming the places to be visited, and stating in the order that the travel enjoined is necessary for the public service. When there is no medical examiner at the station the recruiting officer will make the required examination.

941. An applicant enlisted at a post where there is no surgeon will be reexamined within two weeks after enlistment, and before any clothing is issued to him, by a medical officer or contract surgeon, or in the absence of such officer by the civilian physician employed by the Medical Department.

942. Every accepted (sworn) recruit not already protected will be vaccinated at the recruiting station by the examining surgeon (see par. 1662). Vaccine virus is supplied by the Surgeon-General. As soon as a recruit joins any rendezvous, regiment, or post he will be examined by the surgeon to ascertain whether vaccination is required. In all cases where there is not unmistakable evidence of successful vaccination within a reasonable period the operation will be performed immediately.

943. A critical inspection by the senior medical officer present will be made of every recruit received at a rendezvous within two days after his arrival, if he has not already undergone examination by a medical officer, contract surgeon, or civilian physician. Should the recruit be found unfit for service or to have been illegally enlisted, a board of officers will be called by the post commander to examine into the case, and if the board recommends the discharge of the recruit for physical disability it will fully report its reasons, based upon a thorough investigation of the case, and will show in its report whether the enlistment involved fraud, whether the disability existed prior to enlistment, when, where, and by whom the enlistment was made, and whether, in its opinion, the disqualification might have been discovered by the recruiting officer (with whom the board will communicate, and who will be given opportunity to be heard in the case) had due care been exercised. This report, together with the surgeon's certificate of disability and the original form for examining a recruit, will be forwarded by the post commander direct to the Adjutant-General of the Army.

944. Every detachment of recruits ordered from a recruit rendezvous to any organization or post will, immediately preceding its departure, be critically inspected by the post commander and the senior medical officer present, and any sick or otherwise disabled will be held at rendezvous. A recruit deemed unfit for continuance in the service will not be sent to a regiment, but a board of officers will be convened to consider the case and report as indicated in the preceding paragraph.

945. Before recruits are forwarded from a rendezvous to regiments or other organizations, the post commander will cause the character of each recruit to be entered upon the descriptive and assignment card, also the date and result of last vaccination. Officers in charge of detachments, if called upon, will exhibit the entries relative to vaccination to authorized inspectors of State boards of health.

946. Upon arrival at a post each recruit who has not undergone examination by a medical officer, contract surgeon, or civilian physician, will be examined, and defects will be recorded by the medical officer, with his opinion as to whether they existed prior to enlistment. A certificate of disability will be submitted if the recruit is absolutely disqualified for the service. If the certificate be submitted, the post commander will carefully scan the answers made by the recruit on the "Form for the physical examination of a recruit," and if his answers show that fraud was practiced to secure his enlistment, the post commander will make full report of the facts to the Adjutant-General of the Army, and forward therewith the certificate and the examination form.

947. A register of the medical examination of recruits will be kept at each recruiting station and rendezvous. A report of the recruits examined during the preceding month will be forwarded, not later than the 6th day of every month, to the Surgeon-General, who will furnish blanks for the purpose, as well as blank registers of medical examination. When a register is filled it will be forwarded to the Surgeon-General. Cases of "recruits on probation" who have failed for any cause to complete their enlistment will be indicated by an appropriate entry in the column of remarks, both on the monthly reports to the Surgeon-General and in the register.

RECRUITS SENT TO REGIMENTS.

948. Recruits will be assigned to regiments and other organizations by the Adjutant-General of the Army, under the direction of the Secretary of War, from either general recruiting stations or rendezvous. Recruits designated for assignment will be borne on the rolls and returns of the stations or rendezvous until the date of departure therefrom, when the assignment will take effect; prior to that date they will not be taken up on the rolls of companies, regiments, or other organizations.

949. When recruits are sent to any organization, a descriptive and assignment card for each will be given to the officer assigned to its command, or if no officer be so assigned the cards will be sent to the proper commanding officer by the first mail after the departure of the recruits.

950. When recruits are sent to organizations from rendezvous or other posts, the descriptive and assignment cards will be made by the post commander; when they go direct from a recruiting station not at a post, they will be made by the recruiting officer.

951. An officer intrusted with the command of recruits ordered to regiments or other organizations will, on arriving at destination, forward the following papers:

1. To the Adjutant-General of the Army, a report of date of arrival at the post, the strength and condition of the party when turned over to the commanding officer, and all circumstances worthy of remark which occurred on the journey.

2. To the commanding officer of the post or organization, the descriptive and assignment cards furnished him at the rendezvous or station, properly completed by noting in the column for remarks time and place of death, desertion, or other casualty that may have occurred.

952. The descriptive and assignment card of every recruit sent to a regiment or other organization, with remarks showing final disposition of the recruit, and number of regiment and letter or number of company to which he has been assigned, will be signed and forwarded to the Adjutant-General of the Army by the officer who makes he assignment.

DEPARTMENT AND REGIMENTAL RECRUITING.

953. Every post is a general recruiting station for the whole Army, and recruiting thereat will be conducted by an officer of the garrison detailed by the commanding officer. The commander of each detachment of troops absent from its permanent station will, if he deem it advisable, designate an officer for this duty.

954. The recruiting officer at any post may make enlistments to fill vacancies in the troops of the line serving thereat, and, when authorized by the department commander, for those serving at other posts in the same territorial department. Soldiers so enlisted will be sent to their proper stations, without delay, under orders from the department commanders. He may make enlistments for any organization in the service when authorized by the Adjutant-General of the Army. An applicant will be subjected to the required examination before application is made for special authority for his enlistment.

955. Regimental recruiting may be carried on away from posts by one or more officers detailed from a regiment by its commander with the approval of the department commander, when specially authorized by the War Department, and in accordance with instructions from the Adjutant-General of the Army. A regimental recruiting officer, with the authority of the Adjutant-General of the Army, may make enlistments for any organization in the service.

ARTICLE LXXII.

Inspector-General's Department.

General provisions.

956. The sphere of inquiry of the Inspector-General's Department includes every branch of military affairs except when specially limited in these regulations or in orders. Inspectors-general and acting inspectors-general will exercise a comprehensive and general observation within the command to which they may be respectively assigned, over all that pertains to the efficiency of the Army, the condition and state of supplies of all kinds, of arms and equipments, of the expenditure of public property and moneys, and the condition of accounts of all disbursing officers of every branch of the service, of the conduct, discipline, and efficiency of officers and troops, and report with strict impartiality in regard to all irregularities that may be discovered. From time to time they will make such suggestions as may appear to them practicable for the correction of any defect that may come under their observation.

957. Inspectors-general or acting inspectors-general, assigned to a military department, are under the immediate direction of its commanding general; when not so assigned, they are solely under the orders of the Secretary of War, or the General Commanding the Army. They will make the general inspections within the limits of the respective departments, and will each be allowed the necessary clerks and one messenger, who will be assigned by the Secretary of War.

958. Inspectors-general and acting inspectors-general will report by letter, on arriving at their stations, to the Inspector-General at the War Department; they will furnish him copies of all orders and written instructions received for tours of inspection, with a report of the dates of departure from, and return to, their posts in obedience thereto and, thereafter, on the last day of each month, will report direct to him their addresses and the duties they have performed during the month.

959. Correspondence in the Inspector-General's Department, between the head thereof and officers serving therein, will be direct, for the purpose of instruction and information with respect to the discharge of their duties; not, however, extending to matters of administration pertaining to military commanders.

960. An inspector-general or acting inspector-general will make known his orders or instructions to commanding and other officers whose troops and affairs he is directed to inspect, and these officers will see that every facility and assistance, including clerical aid, if requested, is afforded.

961. An inspector-general or acting inspector-general will not give orders unless specially authorized to do so, and then only in the name of the superior giving such authority. He will report with strict impartiality all irregularities. He should refrain from informal conversation or comment upon subjects under investigation.

962. An inspector-general or acting inspector-general will exercise the greatest care that he does no injustice to organizations or individuals. When investigating accusations prejudicial to the character of an officer, he will make known to the officer their nature, and give him an opportunity to make his own statement in writing, which will be appended to the report. Copies or extracts from an inspection report, reflecting upon or commending the character or efficiency of an officer, may be furnished him by the commander through whom the report is submitted.

963. An inspector-general or acting inspector-general detailed to investigate attempts to defraud the Government, or any irregularity or misconduct of any officer or agent of the United States, has authority to administer oaths to witnesses.

SPECIAL DUTIES.

964. Inspectors-general and acting inspectors-general will, from time to time, designate the articles which in their opinion should be procured and kept for sale by the Subsistence Department to officers and enlisted men. These recommendations will be submitted to the Secretary of War for his action.

965. All matters pertaining to the supervision of the accounts of the receipts and expenditures of the National Home for Disabled Volunteer Soldiers, under acts of Congress, are assigned to the Inspector-General of the Army under the direction of the Secretary of War.

STATED INSPECTIONS.

966. The annual inspection of the Soldiers' Home in the District of Columbia will be made by the Inspector-General of the Army, in person, as required by law; and that of the National Home for Disabled Volunteer Soldiers, its records, disbursements, management, discipline, and condition, will be made by an officer of his Department under the provisions of the act of Congress approved August 18, 1894, who will report in writing, through the Inspector-General of the Army, to the Secretary of War, the results of such inspection.

967. Officers of the Inspector-General's Department will inspect once in each year all military commands, garrisoned posts and camps, and once in two years such ungarrisoned posts and national cemeteries as can be visited without departing materially from the routes of other prescribed inspections.

968. All depots, armories, arsenals, and public works of every kind under charge of officers of the Army, except works of engineering conducted under the direction of the Secretary of War and supervision of the Chief of Engineers, will be inspected annually by officers of the Inspector-General's Department. These inspections will include military and business administration and methods, but will not extend to the scientific or technical character of work for which the officer in charge is responsible, through the head of his department, to the Secretary of War.

969. Inspections of the Military Academy will be made only under specific instructions given in each case by the Secretary of War, and inspections of the service schools, in so far as they are distinct from posts, under similar instructions given by the Secretary of War or the Commanding General of the Army.

970. The military department of civil institutions of learning at which officers of the Army are detailed will be inspected annually, near the close of the college year, under specific instructions. The inspecting officer, upon his arrival at the institution, will apply to the president or the administrative officer thereof for such aid or facilities as he may require. His report will be sent to the Inspector-General of the Army, then to the Adjutant-General of the Army for note and return, and a copy furnished the president of the institution by the War Department.

971. The inspection of disbursements and money accounts of disbursing officers required by act of April 20, 1874, will be made by officers of the Inspector-General's Department or others detailed for that purpose, and, as far as practicable, at irregular intervals, but no officer so detailed shall be in any way connected with the corps or staff department making the disbursement. The frequency of these inspections will be regulated by the Secretary of War.

972. Reports of prescribed inspections of troops, stations, and accounts of disbursing officers under the authority of department commanders will be forwarded through department headquarters to the Adjutant-General of the Army and transmitted to the Inspector-General of the Army. In case irregularities, deficiencies, or misconduct are reported, a department commander in forwarding a report will state what remedies he has applied or will apply to correct them, adding any recommendations

that he may desire to make. All other reports of inspections will be forwarded direct to the Inspector-General of the Army, except when otherwise specially directed, and all inspection reports not confidential will be filed in his office. The Inspector-General will forward to the Commanding General of the Army extracts that relate to discipline and efficiency, and to the chiefs of bureaus extracts that relate to fiscal affairs.

973. To provide for the inspections required by paragraphs 968, 970, and 971 of the Army Regulations, the Inspector-General of the Army will keep the inspectors-general of the military geographical departments informed, through the department commanders, of the inspections under these paragraphs and such other inspections as the Secretary of War desires shall be made by them; and each of these inspectors will, at the proper time, submit for the consideration of his immediate commander a plan for making the inspections so desired in the most advantageous and economical manner in connection with the other inspections which he may be required to make. If the plan be approved, the department commander will then give such orders as may be required for the necessary travel.

METHODS OF INSPECTION.

974. Inspections of troops will be conducted as prescribed in the authorized drill regulations. When the command consists of more than one company the inspection will, if practicable, be preceded by a review.

975. Inspectors-general and acting inspectors-general will concisely report the strength, efficiency, and armament of each garrison and post, the date of last inspection, and all irregularities and defects, with such suggestions or recommendations as they deem pertinent. They will also report what remedies have been applied to correct irregularities reported at former inspections. The subjects usually covered by such reports should be as follows:

1. Names of officers present, those absent on detached duty or otherwise, and those permanently incapacitated for any duty from any cause; whether the number of enlisted men in ranks at inspection corresponds to returns, how absentees are accounted for, and how many appear under arms at inspection; the number of men in the band, and if any are not musicians.

2. Whether the post is adequately armed and supplied, and maps of the post and of the country in its vicinity kept.

3. Whether the commanding officer observes the system of instruction and treatment of subordinates enjoined by the regulations, and properly executes the laws relating to neutrality, quarantine, and the regulations concerning international courtesy, so far as applicable to his post; whether justice is promptly and legally administered; the zeal of the commanding officer and his ability to perform his duties.

4. Whether officers are efficient, reporting any intemperance or immorality, and mentioning any officer or soldier who has distinguished himself, or shown special efficiency in any department of study or duty.

5. The manner in which chaplains perform their duties.

6. The efficiency of administrative and staff officers, the correctness of their accounts; whether payments and issues are made in accordance with law and regulations, and whether surplus supplies are taken up on returns and deficiencies accounted for.

7. Efficiency, discipline and appearance of the troops; state of arms, equipments and accoutrements of all kinds; sufficiency, uniformity and fit of clothing; instruction, theoretical and practical, of noncommissioned officers and privates in military exercises and duties; nature and amount of drills, recitations in tactics and drill regulations, target practice, practice marches, practice in outpost duty, field service, minor tactics, and gymnastic exercises; efficiency in signaling; regularity of payment of the troops, their health and whether the sick are properly cared for.

8. Police and sanitation of the post; cleanliness, state of repair, and sanitary condition of all buildings.

9. Whether there are suitable rooms for use, respectively, as a library, reading room, chapel, and school; sufficient quantities of newspapers and periodicals, schoolbooks, stationery and school material for the use of enlisted men; whether the newspapers, periodicals, and schoolbooks are solely used by enlisted men; whether the library rooms are used at all by officers, and, if so, whether it interferes with their use by enlisted men; the attendance and progress of pupils and the system of instruction.

10. System of messing, sufficiency, variety and preparation of food.

11. Whether labor of the supply departments is performed by troops or civilians; if by the latter, their number, cost attending and reasons for their employment and kind of labor performed by them.

12. Means of transportation and its condition; training, grooming, shoeing, suitability, veterinary treatment and condition of public animals, and number unserviceable.

13. Condition of all public property, and whether used for private purposes; whether buildings and property are properly secured against fire, theft, and damage.

14. Whether sales of subsistence stores are made to enlisted men according to regulations; whether there are damaged stores, and if so, in what quantities and how damage was caused.

15. Water supply, facilities for laundry work, bathing and swimming, system and condition of sewerage and drainage, and means of extinguishing fire.

16. Management and success of post exchange, and whether properly supplied and conducted according to regulations; extent, necessity for, and kind of gardens, success attending, and number of men employed therein.

17. Management and application of the regimental, bakery, company, and mess funds, and whether the provisions of Articles XXXIV and XXXV are complied with.

18. Whether regimental, post and company books, papers and files, and those of the post staff departments, including chaplain's register, are properly kept, and the prescribed rolls and returns are properly prepared and promptly forwarded.

19. Condition of post cemetery and its records.

20. Efficiency of hospital corps and company bearers in ambulance and litter-bearers' drill, and methods of rendering first aid to the wounded.

976. On completion of an inspection of a post or other command of troops under department supervision, the inspector-general or acting inspector-general will furnish its commanding officer a written statement of all irregularities and deficiencies observed, which will be kept on file for the information of commanding officers and inspectors. The commanding officer will, as soon as practicable, submit to the department commander a copy of this statement, with a report showing what remedies he has applied or will apply to correct each of the irregularities or defects found, and will recommend the proper action with regard to those that he has not power or authority to remedy. These reports and statements will be promptly fowarded to the Adjutant-General of the Army by whom they will be transmitted to the Inspector-General for file with the original report. At stations not under the supervision of department commanders, inspectors-general and acting inspectors-general will furnish like statements, and commanding officers will forward copies thereof with reports to the authority that ordered the inspection.

DISBURSEMENTS AND ACCOUNTS.

977. Inspectors-general and acting inspectors-general will inquire as to the necessity, economy and propriety of all disbursements, their strict conformity to the law appropriating the money, and whether the disbursing officers comply with the law

in keeping their accounts and making their deposits. A statement of receipts and expenditures and of the distribution of funds, with a list of outstanding checks, on forms furnished by the Inspector-General of the Army, will be submitted by the disbursing officer to the inspector, who should immediately transmit the list of outstanding checks to the several depositories. Upon return from a depository, balances will be verified and noted on the inspection report, which will then be forwarded to the Inspector-General. The list of outstanding checks will be retained by the inspector, and a copy, with indorsements thereon, sent to the Inspector-General.

978. When an officer ceases to act as a disbursing officer, or closes his accounts on change of station, he will submit to the officer to whom the inspection of his accounts has been assigned a statement of his money accounts from date of last inspection to and including the closing of his accounts, with a list of outstanding checks. If an inspection be impracticable, the statement will be forwarded to the Inspector-General of the Army.

PROPERTY FOR CONDEMNATION.

979. Inspections having in view the condemnation of property will be made by inspectors-general, acting inspectors-general, or officers specially designated by the commander of a department, the commander of an army in the field, or higher authority.

980. Officers will prepare and sign in triplicate, on blank forms furnished by the Inspector-General of the Army, inventories of public property requiring inspection, and present them, with the property, to the inspector-general or acting inspector-general at the time of his annual visit. In the case of rapidly deteriorating subsistence stores or of unserviceable public animals, such inventories will be prepared when necessary, and unless the time of the annual visit of an inspector be near at hand, one copy will be forwarded to the commander of the department or army corps or division in the field. Public animals will be inventoried singly, with a brief description of color, sex, age, and distinguishing marks.

981. As far as practicable, inventories of unserviceable property will state the cost of the articles, and in case of damaged or inferior stores the depot whence obtained, the marks upon them, with marks on original packages, and names of contractors and inspectors. The certificate as to the condition of the property on the inventory and inspection report will be signed by the officers "accountable" therefor, and not by the officer "responsible."

982. For inspection the property will be arranged in the order of enumeration in the inventory, every article will be examined by the inspector, and the officer responsible will accompany him and be prepared to give all necessary information in regard to it.

983. Inspectors will examine all property properly presented for condemnation. When all property presented has been destroyed in the presence of the inspector one inventory will be forwarded by the inspecting officer through department headquarters to the Inspector-General of the Army and the others will be delivered to the accountable officer. In cases in which the inspector recommends the sale of any property, or its transfer to depots, he will forward all the inventories to department or army corps headquarters, and if the inspector's action is approved by the department or army corps commander, except as provided in paragraphs 1727 and 1728, two will be returned to the accountable officer and the other forwarded to the Adjutant-General of the Army to be transmitted to the Inspector-General of the Army, and, in similar cases, when the accountable officer is not serving under the department or army corps commander and all the property has been destroyed in the presence of the inspector, one copy of the inventory will be forwarded to the Inspector-General of the Army and two to the accountable officer, or if sale or transfer of the property is recommended, the inspecting officer will forward all the

inventories to the Inspector-General of the Army, who will forward them to the Secretary of War through the chief of bureau concerned; one copy will be returned to the Inspector-General and two to the accountable officer.

984. Inspectors will exercise great care in examining property submitted to them for condemnation, and in making recommendations regarding its disposition. Articles "to be continued in service" are such as are still serviceable. Those "to be dropped" from the returns are such as can not be sold at the post and are not worth cost of transportation to an arsenal or depot for repair. If worthless, they must be so far destroyed as to prevent any possibility of future presentation. Such articles as can not be destroyed will, when practicable, be marked "I. C." (inspected—condemned), or will be broken up and the serviceable parts retained. Condemned animals will be branded "I. C." on the neck under the mane. Should the inspector's recommendation be disapproved in regard to articles marked "I. C.," the marks will be canceled and a certificate of the fact given to the responsible officer. Suitable brands and stencils will be kept for use of inspectors at posts and depots. Articles "to be sold at post" are such as are of no further public use, or not worth cost of transportation to a depot. Those "to be turned into depot" are such as can not be repaired at the post and are worth cost of transportation. Small arms found to be unfit for service will be turned in to the nearest arsenal or depot to be broken up, or disposed of in accordance with the instructions of the Secretary of War.

985. Public property in use will not be reported as unserviceable nor condemned by an inspector merely because worn or shabby in appearance when really strong and serviceable.

986. Great care will be taken to prevent property once condemned and ordered dropped from the returns from being again presented for inspection. When public property is presented to an inspector for condemnation the officer responsible will certify on the inventory that the property has not been previously condemned.

987. Inspectors will, when practicable, cause the destruction, in their presence, of all property found to be worthless and which is without money value at or near the place of inspection, except small arms, and will state in their reports that "the articles recommended to be destroyed have no money value at or near the post." The action of an inspector on property of this character will be final, and his report will be a valid voucher for the responsible officer. Inspectors will be held responsible for their action in this particular. When property thus condemned is not destroyed in the presence of the inspector the responsible officer will certify to the fact of subsequent destruction in his presence.

988. An inspection report on damaged clothing will set forth the amount of damage to each article; also a list of such articles as are fit for issue to prisoners, or, at reduced prices, to enlisted men willing to receive them.

989. Department commanders, the commander of an army corps or army in the field, or the Commanding General of the Army, may give orders, on the reports of authorized inspectors, to sell, destroy, or make such other disposition of condemned property as the case may require, except the sale of ordnance and ordnance stores and the destruction of saddles issued by the Ordnance Department, for which the orders of the Secretary of War must be given. If the property be of considerable value, and there be good reason to suppose that it can be more advantageously applied or disposed of elsewhere than within the command, the matter will be referred to the War Department through the Adjutant-General of the Army.

990. Orders for the final disposition of condemned property will be indorsed by the proper authority on the inspection reports, each copy being made complete in itself. One will be forwarded, through military channels, to the Inspector-General of the Army, and the others to the accountable officer, who will forward one, or suitable extracts therefrom, with his accounts, and file the other with his retained papers.

ARTICLE LXXIII.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

991. The Judge-Advocate-General's Department is the bureau of military justice. The Judge-Advocate-General is the custodian of the records of all general courts-martial, courts of inquiry, and military commissions, and of all papers relating to the title of lands under the control of the War Department, except the Washington Aqueduct and the public buildings and grounds in the District of Columbia. The officers of this department render opinions upon legal questions when called upon by proper authority.

992. The judge-advocate of each department, or the officer acting as such, will, as soon as practicable after June 30 of each year, render to the Judge-Advocate-General a report for the year terminating on that date, giving the number and character of cases tried by courts-martial in the department during the period. This report will separately classify the trials of officers and enlisted men, and show whether by general, garrison, or summary courts, the number of acquittals in each class and the number of different men tried by inferior courts, and contain his recommendations and remarks touching the administration of military justice.

993. The original proceedings of all general courts-martial, courts of inquiry, and military commissions, with the decisions and orders of the reviewing authorities made thereon, and the proceedings of all general courts-martial, courts of inquiry, and military commissions which require the confirmation of the President, but which have not been appointed by him, will be forwarded direct to the Judge-Advocate-General. One copy of the order promulgating the action of the court, and a copy of every subsequent order affecting the case, will be forwarded to the Judge-Advocate-General, with the record of each case. When more than one case is embraced in a single order, a sufficient number of copies will be forwarded to enable one to be filed with each record. The proceedings of all courts and military commissions appointed by the President will be sent direct to the Secretary of War.

994. Judge-advocates and acting judge-advocates will forward to the Judge-Advocate-General, on June 30 each year, with the reports prescribed in paragraph 992, lists of the law books for which they are responsible.

995. Applications of officers, enlisted men, and military prisoners for copies of proceedings of general courts-martial, to be furnished them under the 114th article of war, will, when received by post or other commanders, be forwarded direct to the Judge-Advocate-General.

996. Communications relating to proceedings of military courts on file in the Judge-Advocate-General's Department will be addressed and forwarded direct by department commanders to the Judge-Advocate-General. In routine matters, the Judge-Advocate-General and judge-advocates may correspond with each other direct.

997. The reports which the Judge-Advocate-General may render upon cases received by him, and which require the action of the President, will be addressed to the Secretary of War and will be forwarded, through the Commanding General of the Army, for such remarks and recommendations as he may see fit to make.

ARTICLE LXXIV.

ARREST AND CONFINEMENT.

998. Commanding officers only have power to place officers in arrest, except as provided in the 24th Article of War. An arrest may be ordered by the commanding officer, in person or through his staff officer, orally or in writing.

999. An officer arrested will repair at once to his tent or quarters, and there remain until more extended limits have been granted by the commanding officer, on written application. Close confinement will not be enforced except in cases of a serious nature.

1000. Officers will not be placed in arrest for light offenses. For these the censure of the commanding officer will generally answer the purpose of discipline. Whenever a commanding officer places an officer in arrest and releases him without preferring charges, he will make a written report of his action to the department commander, stating the cause. The department commander, if he thinks the occasion requires, will call on the officer arrested for any explanation he may desire to make, and take such other action as he may think necessary, forwarding the papers to the Adjutant-General of the Army for file with the officer's record, or for further action.

1001. A medical officer, charged with the commission of an offense, need not be placed in arrest until the court-martial for his trial convenes if the service would be inconvenienced thereby, unless the charge is of a flagrant character.

1002. An officer in arrest will not wear a sword nor visit officially his commanding or other superior officer, unless directed to do so. His applications and requests of every nature will be made in writing.

1003. On the march, field officers and noncommissioned staff officers in arrest will follow in the rear of their respective regiments, and company officers and noncommissioned officers in arrest in rear of their respective companies, unless otherwise specially directed.

1004. Enlisted men against whom charges have been preferred will be designated as "awaiting trial;" enlisted men who have been tried will, prior to the promulgation of the result, be designated as "awaiting result of trial;" enlisted men serving sentences of confinement, not involving dishonorable discharge, will be designated as "garrison prisoners;" thos esentenced to dishonorable discharge and to terms of confinement in penitentiaries or at military posts will be designated as "general prisoners."

1005. Noncommissioned officers will not be confined at the guardhouse in company with privates, except in aggravated cases or where escape is feared, but will be placed in arrest in their barracks or quarters.

1006. Except as provided in the 24th Article of War, or when restraint is necessary, no soldier will be confined without the order of an officer, who shall previously inquire into his offense.

1007. The arrest of a noncommissioned officer or the confinement of a soldier will, as soon as practicable, be reported to his company or detachment commander by the officer authorizing the arrest.

1008. Prisoners awaiting trial by, or undergoing sentence of, general court-martial, and those confined for serious offenses will, if practicable, be kept apart from those confined by sentence of an inferior court, or for minor offenses. Enlisted men awaiting trial or awaiting result of trial will not be sent to work with garrison or general prisoners if it can be avoided, and may, in the discretion of the commanding officer, be required to attend drills, or sent to work, under charge of a sentinel,

during the usual working hours. General prisoners will not be confined with other prisoners except in cases of necessity.

1009. All persons under guard without written charges will be released by the old officer of the day at guard mounting, unless specific orders to the contrary have been given, in each case, by the commanding officer.

1010. Prisoners will not be placed in irons except under sentence of a court-martial, or in the extraordinary case of a prisoner who, in the judgment of the commanding officer, is a desperate or dangerous character, in which case report of action and the circumstances will be immediately made to the department commander. A prisoner may be shackled or handcuffed while being transported from one post to another, or from a post to a penitentiary when, in the judgment of the officer in charge, the escape of the prisoner can not otherwise be prevented.

1011. The Secretary of War will designate certain posts as places where general prisoners sentenced to confinement for six months or more shall serve their sentences. Special rules and regulations will be promulgated by the War Department to govern the enforcement of discipline, the methods of guarding, and the treatment of these prisoners, also the measure of labor to be imposed and the character of clothing and diet to be furnished them.

1012. Prisoners will be forwarded from places of trial to posts at which they are sentenced to serve confinement only on orders of department commanders or higher authority. The strength of guards to accompany them will be limited to the necessities of safe delivery. Orders detailing guards in charge of military prisoners sent to the United States Penitentiary at Fort Leavenworth, Kans., will provide for the return journey of the guard and for commutation of rations, when such commutation is necessary. The commanding officer of a post from which a prisoner is transferred will send, under seal, to the commanding officer of the post where the sentence of confinement is to be executed the following papers in his case, viz: Discharge papers, if discharged, descriptive list, orders promulgating and modifying sentences, statement of conduct while under sentence to date of transfer, and a list of clothing in possession of the prisoner when forwarded.

1013. All serviceable clothing which belongs to a prisoner, and his blankets, will accompany him to the post designated for his confinement, and will be fully itemized on the clothing list mentioned in the preceding paragraph. The guard in charge of the prisoner during transfer will be furnished with a duplicate of this list and will be held responsible for the delivery of all articles itemized therein, with the prisoner. At least one serviceable woolen blanket will be sent with every such prisoner so transferred.

1014. The personal effects of military prisoners who have escaped from confinement, except such as possess some special value as keepsakes, may be disposed of by sale as in the case of effects of deceased soldiers, and the proceeds thereof, together with any money left by the prisoner in the hands of the company commander, be turned over to a paymaster, who should account for the same in the manner provided for paymasters' collections. The officer will take the paymaster's receipt for the amount paid him and forward the same to the Auditor of the Treasury for the War Department.

1015. A general prisoner, when released from confinement at a post, will be carefully examined and a record of all marks, scars, and physical peculiarities made by a medical officer on the outline figure card used in the examination of recruits, which the medical officer will forward direct to the Surgeon-General.

1016. Prisoners will be allowed, in abatement of their terms of confinement, five days for each period of twenty-five days during the whole of which their conduct has

been good; but abatements thus earned may be forfeited, either wholly or in part, by subsequent misconduct. Such forfeitures are determined by the commanding officer of the post where a prisoner is confined.

1017. The power to pardon or mitigate punishment imposed by a court-martial, vested in the authority which confirms the proceedings, extends only to unexecuted portions of a sentence, and continues only while the prisoner remains under the jurisdiction of that authority; the fact that a soldier has been dishonorably discharged through his sentence does not affect this power. An application for clemency in case of a general prisoner sentenced to confinement in a penitentiary will be forwarded to the Secretary of War for the action of the President. The power to "commute" sentences imposed by military tribunals, not being vested in military commanders, can only be exercised by the President.

ARTICLE LXXV.

Courts-Martial.

1018. The order appointing a court-martial will name its members in order of rank, and they will sit according to rank as announced. A decision of the appointing authority as to the number that can be assembled without injury to the service is conclusive.

1019. The place of holding a court is designated by the authority appointing it. Courts will be assembled at posts or stations where trial or examination will be attended with the least expense. A member stationed at the place where it sits is liable to duty with his command during adjournment from day to day. Courts will, as far as practicable, hold their sessions so as to interfere least with ordinary routine duties.

1020. A president of the court will not be announced. The officer highest in rank present will act as president.

1021. A court-martial has no power to punish its members; but for disorderly conduct a member is liable as for other offenses against military discipline. Improper words used by him should be taken down in writing, and any disorderly conduct reported to the appointing authority.

1022. When a court sits in closed session the judge-advocate will withdraw, and when legal advice or assistance is required it will be obtained in open court.

SUBPŒNAS TO WITNESSES.

1023. The judge-advocate will summon the necessary witnesses for the trial, but will not summon witnesses at the expense of the Government without the order of the court, unless satisfied that their testimony is material and necessary. A subpœna may be served by any person.

1024. Judge-advocates of courts-martial will, whenever it is possible, send subpœnas through military channels.

1025. An officer or enlisted man who receives a summons to attend as a witness before any military court, board, civil court, or other tribunal competent to issue subpœnas, which is sitting beyond the limits of the department where he is serving, will, before starting to obey the summons, forward it through the proper channel to his department commander, that necessary orders, or authority to obey a civil process, may be given. In urgent cases, or when the public interest would be liable to suffer by delay, a post commander may authorize immediate departure, reporting his action and the reasons therefor to the department commander.

WRITS OF ATTACHMENT.

1026. Judge-advocates of military courts, in issuing process under section 1202, Revised Statutes, to compel the attendance, as witnesses, of persons not in the military service in the State, Territory, or District in which the court sits, will formally direct the same to an officer designated by the department commander to execute it. The nearest military commander will furnish the necessary military force for the execution of the process, if force be required.

CHARGES AND SPECIFICATIONS.

1027. Commanding officers are not required to bring every dereliction of duty before a court for trial, but will endeavor to prevent their recurrence by admonitions, withholding of privileges, and taking such steps as may be necessary to enforce their orders. Company commanders are authorized, subject to the control of the commanding officer of the post, to dispose of cases of derelictions of duty in their commands which would be within the jurisdiction of inferior courts-martial, by requiring extra tours of fatigue, unless the soldier concerned demands a trial. This right to demand a trial must be made known to him.

1028. Charges against an enlisted man forwarded to the authority competent to appoint a general court for his trial will be accompanied by a statement in the prescribed form, setting forth the dates of his present and former enlistments, the character upon each of the discharges given him, and the date of his confinement for the offenses alleged in the charges. This statement is intended simply for the information of the convening authority, and will not be introduced in evidence nor made a part of the record of the trial, but will be returned to the convening authority with the record.

1029. Commanding officers will, before forwarding charges, personally investigate them, and, by indorsement on the charges, will certify that they have made such investigation, and whether, in their opinion, the charges can be sustained.

1030. Charges submitted for trial by a summary court should be accompanied by evidence of previous convictions, to be furnished when practicable by the officer preferring the charges; or, if the evidence is contained in the summary court record book, a reference to it will be sufficient. If this evidence is not submitted or cited, the summary court may take judicial notice of any such evidence which that book contains.

1031. Charges preferred for offenses cognizable by inferior courts will be laid before the post commander, who, if he thinks that the accused should be tried, will cause him to be brought before the summary court, where he will be arraigned and allowed to plead according to prevailing court-martial practice. If an accused neither demands a removal of his case to a regimental or garrison court, nor (he being a noncommissioned officer above the grade of corporal) objects to trial by an inferior court, nor pleads guilty, and the summary court officer is not the accuser, witnesses will be sworn and evidence received—the accused being permitted to testify in his own behalf and make a statement; but the evidence and statement will not be recorded. The summary court, as soon as trial is concluded, will record its findings and sentence in the prescribed record book and submit it to the post commander, who will record therein his approval or disapproval, in part or whole, with date and signature. Should the post commander be the summary court, the findings and sentence will be recorded in like manner. No other record of the proceedings will be kept, and such trials will not be published in orders. Post commanders will furnish company and other commanders with copies of the summary court record relating to men of their commands, said copies to be certified to be true copies by the post commander or adjutant.

1032. When a post commander sits as a summary court, no approval of the sentence is required by law, but he should sign the sentence as post commander and date his signature.

1033. Noncommissioned officers above the rank of corporal will not, if they object thereto, be brought to trial before regimental, garrison, or summary courts-martial, without the authority of the officer competent to order their trial by general court-martial; nor will sergeants of the post noncommissioned staff or hospital stewards be reduced, but they may be dishonorably discharged whenever reduction is included in the limit of punishment.

1034. The summary court will be opened at a stated hour every morning except Sunday for the trial of such cases as may properly be brought before it. Trials wil be had on Sunday only when the exigencies of the service make it necessary. The commanding officer, and not the court, will determine when and what cases shall be brought before it. Delay in the trial of a soldier by summary court does not invalidate the proceedings, but may be considered by the court in awarding sentence.

1035. Summary courts are subject to the restrictions named in the 83d Article of War. Soldiers against whom charges may be preferred for trial by summary court will not be confined in the guardhouse, but will be placed in arrest in quarters, before and during trial and while awaiting sentence, except when in particular cases restraint may be necessary.

1036. Whenever, under the provisions of the summary-court act, it becomes necessary to convene a garrison or regimental court, the order appointing it will state the facts which bring the cases to be tried within the exceptions of those laws.

TRIALS.

1037. The commanding officer of a post where a general court-martial is convened will, at the request of any prisoner who is to be arraigned, detail as counsel for his defense a suitable officer, one not directly responsible for the discipline of an organization serving thereat, nor acting as a summary court. If there be no such officer available, the fact will be reported to the appointing authority for action. An officer so detailed should perform such duties as usually devolve upon counsel for defendant before civil courts in criminal cases. As such counsel he should guard the interests of the prisoner by all honorable and legitimate means known to the law, so far as they are not inconsistent with military relations.

1038. Whenever a soldier is convicted of an offense for which a discretionary punishment is authorized, the court will receive evidence of previous convictions, if there be any; such evidence being limited, except in the case of desertion, to previous convictions by courts-martial of any offense or offenses within one year preceding the arraignment and during the current enlistment. General, regimental, and garrison courts-martial will, after a finding of guilty, be opened for the purpose of ascertaining whether there is such evidence and, if so, of receiving it. Previous convictions by courts-martial must be proved by the records of previous trials and convictions, or by duly authenticated copies of such records, or by duly authenticated copies of the orders promulgating such trials. General courts-martial will consider only such evidence of previous convictions as is referred to them by the convening authority. The usual evidence of previous convictions by summary court is the copy of a summary court record furnished to company and other commanders, as required by paragraph 1030, Army Regulations, or one furnished for the purpose, and certified to be a true copy by the post commander or adjutant. When the proof produced is the copy furnished to the company or other commander, it will be returned to him and a copy of it attached to the record of the general, regimental, or garrison court trying the case. Charges forwarded to the authority competent to order a general court-martial, or submitted to a summary, garrison, or regimental court-martial, must be accompanied by the proper evidence of previous convictions.

SENTENCES.

1039. Whenever by any of the Articles of War punishment is left to the discretion of the court, it shall not, in time of peace, be in excess of a limit which the President may prescribe. The limits so prescribed are set forth in the Manual for Courts-Martial, published by authority of the Secretary of War.

1040. Sentences imposing tours of guard duty are forbidden.

1041. When the sentence of a court-martial prescribes imprisonment, the court will state therein whether the prisoner shall be confined in a penitentiary or in some place under military jurisdiction, being guided in its determination by the 97th Article of War. When a penitentiary has been erroneously designated, the reviewing authority may disapprove it and designate a proper place.

1042. General courts-martial may sentence soldiers to confinement in a penitentiary for offenses which are thus punishable by some statute of the United States or by a statute or the common law of the State, Territory, or District in which the offenses are committed. Department commanders will designate the United States Penitentiary at Fort Leavenworth, Kansas, as the place of such execution of sentence, in cases in which the term of confinement imposed is more than one year. If any State or Territory within a military department has made provision by law for the confinement of such prisoners in its penitentiaries, the department commander, with the approval of the Secretary of War, may designate one as the place of execution of sentence.

1043. When the court has sentenced a prisoner to confinement at a post, no power is competent to increase the punishment by designating a penitentiary as the place of confinement.

1044. When a sentence of confinement or forfeiture is in excess of the legal limit, the part within the limit is legal and may be executed.

1045. When the date for the commencement of a term of confinement imposed by sentence of a court-martial is not expressly fixed by the sentence, the term of confinement begins on the date of the order promulgating it. The sentence is continuous until the term expires, except when the person sentenced is absent without authority.

1046. The order promulgating the proceedings of a court and the action of the reviewing authority will, when practicable, be of the same date. When this is not practicable, the order will give the date of the action of the reviewing authority as the date of the beginning of the sentence. This does not apply to sentences of forfeiture of all pay and allowances. A soldier awaiting result of trial will not be paid before the result is known.

1047. The authority which has designated the place of confinement, or higher authority, may change the place of confinement of any prisoner under the jurisdiction of such authority.

1048. A sentence to confinement, with or without forfeiture of pay, can not become operative prior to the date of confirmation. If it be proper to take into consideration the length of confinement to which the prisoner has been subjected previous to such confirmation, it may be done by mitigation of sentence.

1049. When soldiers awaiting result of trial or undergoing sentence commit offenses for which they are tried, the second sentence will be executed upon the expiration of the first.

1050. A sentence adjudging a dishonorable discharge, to take effect at such period during a term of confinement as may be designated by the reviewing authority, is illegal.

1051. The time at which a dishonorable discharge is to take effect, as fixed by a sentence, can not be postponed by the reviewing officer.

1052. When a sentence imposes forfeiture of pay, or of a stated portion thereof, for a certain number of months, it stops for each of those months the amount stated. Thus: "Ten dollars of monthly pay for one year" would be a stoppage of $120. When the sentence is silent as to the date of commencement of forfeiture of pay, the forfeiture will begin at the date of promulgation of the sentence in orders, and will not apply to pay which accrued previous to that date.

1053. An order remitting a forfeiture of pay operates only on the pay to become due subsequent to the date of the order.

1054. Notwithstanding a sentence contemplates payment of a stated sum to a soldier upon his release from confinement, it can not be made unless there is a sufficient balance to his credit after all authorized stoppages are deducted.

THE RECORD.

1055. Every court-martial shall keep a complete and accurate record of its proceedings, which will be authenticated, in each case, by the signatures of the president and judge-advocate. Whenever, by reason of the death or disability of the judge-advocate occurring after the court has decided on the sentence, the record can not be authenticated by his signature it must show that it has been formally approved by the court and must be authenticated by the signature of the president. The judge-advocate should affix his signature to each day's proceedings. Testimony taken before regimental or garrison courts-martial will not be reduced to writing.

1056. When records of trial by general courts-martial are written on the typewriter the copyable ribbon will be used when practicable, as this will save labor in making the copies required to be furnished under the 114th Article of War.

1057. The judge-advocate will transmit the proceedings without delay to the officer having authority to confirm the sentence, who will state at the end of the proceedings in each case his decision and orders.

1058. The complete proceedings of a garrison or regimental court will be transmitted without delay by the post or regimental commander to department headquarters.

1059. When the record of a court exhibits error in preparation, or seemingly erroneous conclusions, the reviewing authority may reconvene the court for a reconsideration of its action, pointing out defects. Should the court concur in the views submitted, it will proceed by amendment to correct its error, and may modify or completely change its findings. A reopening of the case, by calling or recalling witnesses, is illegal.

1060. Proceedings of courts-martial in cases of officers and in important cases of enlisted men will be published in general orders issued from Army, division, or department headquarters; and, in cases of enlisted men that are not of general interest or importance, in special orders in form as follows:

Private —— ——, Company ——, ——th Regiment of ——, having been tried by a general court-martial convened at ——, and found guilty of ——, in violation of the —— Article of War, was sentenced "To be —— ——." The sentence is approved and will be duly executed. The prisoner will be —— ——.

1061. Commanders of divisions or separate brigades convening general courts-martial pursuant to the 73d Article of War, or acting as reviewing authority on proceedings thereof, will forward the same to the Judge-Advocate-General of the Army through their respective corps commanders. If errors are found in the proceedings, demanding it, the corps commander may return them to the reviewing authority for any necessary action before forwarding them to the Judge-Advocate-General of the Army.

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REPORTERS, CLERKS, INTERPRETERS.

1062. The employment of a stenographic reporter, under section 1203, Revised Statutes, is authorized for general courts only, and in cases where the convening authority considers it necessary. The convening authority may also, when necessary, authorize the detail of an enlisted man to assist the judge-advocate of a general court in preparing the record.

1063. When a reporter is employed under section 1203, Revised Statutes, he shall be paid, upon the certificate of the judge-advocate, not to exceed $1 an hour for the time occupied in court by himself or a competent assistant necessarily employed for him by the judge-advocate, and 15 cents per 100 words for the first and 5 cents per 100 words for each additional copy of the transcript of notes and of exhibits copied; and in case the court is held more than 10 miles from the place of employment of himself and assistants they shall each be allowed mileage over the shortest usually traveled route at the rate of 8 cents per mile going to the place of holding the court and $3 a day for expenses while necessarily kept by the judge-advocate away from the place of employment. Reporters are employed by the judge-advocate and are paid by the Pay Department, at the rates herein named, upon the certificate of the judge-advocate that the services charged for have been rendered.

1064. No person in the military or civil service of the Government can lawfully receive extra compensation for clerical duties performed for a military court.

1065. Interpreters to courts-martial are paid by the Pay Department upon the certificate of the judge-advocate that they were employed by order of the court. They will be allowed the pay and allowances of civilian witnesses.

ARTICLE LXXVI.

CIVILIAN WITNESSES.

1066. Civilians in the employ of the Government when traveling upon summons as witnesses before military courts are entitled to transportation in kind from their place of residence to the place where the court is in session and return. If no transportation be furnished they are entitled to reimbursement of the cost of travel actually performed by the shortest usually traveled route, including transfers to and from railway stations, at rates not exceeding 50 cents for each transfer, and the cost of a double berth in a sleeping car or steamer when an extra charge is made therefor. They are also entitled to reimbursement of the actual cost of meals and rooms at a rate not exceeding $3 per day for each day actually and unavoidably consumed in travel or in attendance upon the court under the order or summons. No allowance will be made to them when attendance upon court does not require them to leave their stations.

1067. A civilian not in Government employ duly summoned to appear as a witness before a military court will receive $1.50 per day for each day actually in attendance upon the court, and 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning; but in Wyoming, Montana, Washington, Oregon, California, Utah, New Mexico, Arizona, and Porto Rico he will be paid 15 cents for each mile necessarily traveled over any stage line or by private conveyance and in Porto Rico 10 cents for each mile over any railway, in such travel.

In case a witness duly subpœnaed before a general court-martial refuses to appear or qualify as a witness, or to testify or produce documentary evidence, as required by law, he will at once be tendered or paid by the nearest paymaster these fees and mileage and will thereupon be again called upon to comply with the requirements of law. Civilian witnesses will be paid by the Pay Department.

1068. The charges for return journeys of witnesses will be made upon the basis of the actual charges allowed for travel to the court, and the entire account thus completed will be paid upon discharge from attendance without waiting for completion of return travel.

1069. The items of expenditure authorized in paragraphs 1066 and 1067 will be set forth in detail and made a part of each voucher for reimbursement. No other items will be allowed. The correctness of the items will be attested by the affidavit of the witness, to be made, when practicable, before the judge-advocate, and the voucher will be accompanied by the original summons, or a duly certified copy thereof. The certificate of the judge-advocate will be evidence of the fact and period of attendance, and will be made upon the voucher.

1070. Compensation to civilians in or out of Government employ for attendance upon civil courts is payable by the civil authorities.

ARTICLE LXXVII.

EMPLOYMENT OF CIVIL COUNSEL—HABEAS CORPUS.

1071. The employment of counsel at the expense of the United States is under the direction of the Department of Justice.

1072. When a necessity arises for an attorney or counselor to defend or advise officers and others connected with the military service in cases connected with their public duties, request, with report of the facts, will be made to the Adjutant-General of the Army through the regular military channels, but in cases which will not admit of delay the request may be sent direct. The Adjutant-General will promptly submit all such requests to the Secretary of War for reference to the Department of Justice. Officers and others in the military service employing an attorney or counselor without being specially authorized to do so will be required to pay the expenses attendant upon such employment.

1073. Officers will make respectful returns, in writing, to all writs of habeas corpus served on them. When the writ is issued by a State court or judge, and the person held by the army officer is a civilian who has been apprehended under a warrant of attachment to be taken before a court-martial to testify as a witness, the officer will not produce the body, but will, by his return, set forth fully the authority by which he holds the person and allege that the State authority is without jurisdiction to issue the writ of habeas corpus, and ask to have the same dismissed. He will also exhibit to the court or officer issuing the writ of habeas corpus the warrant of attachment and the subpœna (and the proof of the service of the subpœna) on which the warrant of attachment was based, and also a certified copy of the order convening the court-martial before which he had been commanded to take the person.

1074. Should a writ of habeas corpus issued by a State court or judge be served upon an army officer commanding him to produce an enlisted man, or general prisoner, and show cause for his detention, the officer will decline to produce in court the body of the person named in the writ, but will make respectful return in writing to the effect that the man is a duly enlisted soldier of the United States or a general prisoner under sentence of court-martial, as the case may be, and that the Supreme Court of the United States has decided that a magistrate or court of a State has no jurisdiction in such a case.

1075. A writ of habeas corpus issued by a United States court or judge will be promptly obeyed. The person alleged to be illegally restrained of his liberty will be taken before the court from which the writ has issued, and a return made setting forth the reasons for his restraint. The officer upon whom such a writ is served will at once report the fact of such service, by telegraph, direct to the Adjutant-General of the Army and the commanding general of the department.

ARTICLE LXXVIII.

Quartermaster's Department.[1]

General duties.

1076. The Quartermaster's Department is charged with the duty of providing means of transportation of every character, either under contract or in kind, which may be needed in the movement of troops and material of war. It furnishes all public animals employed in the service of the Army, the forage consumed by them, wagons and all articles necessary for their use, except the equipment of cavalry and artillery. It furnishes clothing, camp and garrison equipage, barracks, storehouses, and other buildings; constructs and repairs roads, railways, bridges; builds and charters ships, boats, docks, and wharves needed for military purposes, and attends to all matters connected with military operations which are not expressly assigned to some other bureau of the War Department.

1077. Subsistence, ordnance, signal, medical, and hospital stores are procured and issued by other bureaus of the War Department, but the Quartermaster's Department transports them to the place of issue and provides storehouses for their preservation until consumed.

1078. General depots for the collection, manufacture, and preservation of quartermaster's stores until required for distribution are under the immediate control of the Quartermaster-General.

1079. Officers serving in the Quartermaster's Department will make monthly estimates for funds, unless otherwise authorized, and only for such amounts as are required for payments of accounts within the periods estimated for. Estimates will show in detail the amounts required to cover all authorized expenditures and the purposes for which needed. Quartermasters will submit their estimates to their immediate commanding officers who, after action thereon, will forward them to the adjutant-general of the department; he will refer them to the chief quartermaster who, after consideration and revision, will consolidate and submit them to the department commander for approval; thereafter the chief quartermaster will forward them to the Quartermaster-General. Quartermasters at general depots and independent posts will forward estimates of funds to the Quartermaster-General direct.

Barracks and quarters.

1080. When buildings are about to be occupied, allotted, or vacated, an inspection of them will be made by the quartermaster, who will make and file a statement of their condition, reporting to the commanding officer any damage apparently due to carelessness or neglect. Damages will be promptly repaired if possible.

1081. Neglect by any officer or soldier to take proper care of rooms or furniture used by him is a military offense. In case of damage, such officer or soldier may be allowed to pay cost of necessary repairs if the commanding officer deem such payment sufficient. Commanding officers will report, through prescribed channels, to the Adjutant-General of the Army their proceedings in all cases under this regulation.

1082. An annual inspection of the public buildings at every post will be made on the 1st day of March by the commanding officer and quartermaster. Whenever March 1 falls on Sunday the inspection will be made on the following day. Immediately after the inspection the quartermaster will submit a report upon the form prescribed for that purpose, giving a description and showing the condition and capacity of each building, the character and extent of any additions, alterations, and

[1] Regulations for the government of the Quartermaster's Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Quartermaster-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

repairs made upon it during the preceding year and cost of same, also repairs needed, with estimates therefor. Estimates for heating or plumbing will be made separately. Separate plans, specifications, and estimates in detail for additions and alterations will be submitted with the report. If new buildings are required the necessity will be fully stated, and, if authorized by the War Department, plans and specifications will be prepared in the Quartermaster-General's Office. The commanding officer will carefully examine the report and estimates, and forward them, with an expression of his views, to the Quartermaster-General.

1083. When private buildings occupied as barracks or quarters, or lands occupied as encampments, are vacated, the commanding officer and quartermaster will make an inspection of them, and the latter will report, through the prescribed channel, to the Quartermaster-General, their condition and any injury which has resulted to them by reason of such occupancy.

1084. All public buildings at a post will be numbered by the quartermaster, and thereafter each new building will be given its proper numerical designation. The number originally given a building will be retained, and entered by the quartermaster as a permanent record. Against each building he will charge all expenditures made thereon, noting sums authorized, authority therefor, and amounts actually expended, carefully itemized, showing separately the sums paid for material and labor. All expenditures made for the erection of new buildings, and for additions, alterations, or repairs, will be so entered as to accurately exhibit the cost of each building to date.

1085. The Quartermaster's Department will provide in all permanent barracks a box locker for each enlisted man for his uniform and extra clothing. Each man will provide his own lock.

1086. Barracks will be supplied with chairs, at a rate not exceeding one for each noncommissioned officer and one for every two of the other enlisted men quartered there.

1087. China and glassware belonging to mess outfits, bunks, mattresses, pillows, benches, chairs, tables, and other articles of furniture provided for soldiers' barracks, will not be removed therefrom without the order of the post commander, nor will they be removed from a post or station except by order of the War Department. Box lockers, mattress covers, pillowcases, bed sheets, and barrack bags should be transported in all changes of station, but will not be taken into the field.

ALLOWANCE AND ASSIGNMENT OF QUARTERS.

1088. At each post and station where there are public quarters in buildings belonging to the United States, the quartermaster, under direction of the commanding officer, will allot to each officer the quarters to which his rank entitles him.

1089. At all posts where, in the opinion of the department commander, the barracks and quarters are sufficient for the purpose, the following regulations will govern their assignment and occupation:

1. Permanent quarters will be assigned to the field and staff officers of the garrison.

2. Quarters for the captain and lieutenants of each company will be designated as appertaining to each set of barracks, having reference to convenience of location. Where bachelor quarters are provided at a military post it is proper and necessary that they be assigned to officers without families.

3. On arrival of troops each company will be assigned by the commanding officer to appropriate vacant barracks and quarters, having due regard to relative rank of captains and their choice of quarters whenever two or more arrive at the same time. Quarters so regularly assigned will not be subject to choice, but any not occupied may be chosen for temporary occupancy by an officer, in accordance with existing regulations, subject, however, to removal whenever an officer entitled to them arrives. The original assignment of quarters at any post or station will be made by a board of officers consisting of the commanding officer, the two senior line officers present, the senior surgeon, and the quartermaster. Upon the department commander's approval

of the board's action, its recommendations will be carried into effect as soon as practicable, the department commander causing the assignments to take effect as changes occur in the stations of officers and troops, without removing any officer from quarters occupied by him under other existing regulations.

1090. At posts or stations where the provisions of paragraph 1089 can not be applied officers may make selection of quarters in accordance with their rank, but the commanding officer may direct that they confine their selection to buildings located near their troops. An officer may select quarters occupied by a junior, but will not displace a junior if there be quarters suitable to the rank of the senior available, with equal conveniences and accommodations. When an officer has made his choice he must abide by it, and shall not again displace a junior unless he himself is displaced by a senior. The particular rooms which constitute a set of quarters will be designated by the quartermaster, under the direction of the commanding officer. Attics are not counted as rooms. Officers will not choose rooms belonging to different sets.

1091. An officer reporting for duty at a post will, immediately upon his arrival, make written application to the commanding officer for quarters. If in command of troops, he will apply for quarters for himself, for his subordinate officers, and the enlisted men of his command. The application will be accompanied by a copy of the order directing him to report at the station, and will be referred to the quartermaster for proper action under such instructions as the commanding officer may indorse thereon.

1092. An officer will not occupy more than his proper allowance of quarters, except by permission of the commanding officer when there is an excess of quarters at the station. The allowance will be reduced pro rata by the commanding officer when the number of officers and troops present makes it necessary. If the public buildings are inadequate, the commanding officer will apply, through the department commander, to the Secretary of War for authority to hire necessary quarters.

1093. Officers on duty without troops at stations where there are public quarters will be furnished them in kind. If insufficient, application for authority to hire quarters will be made as directed in paragraph 1092.

1094. At a military post where the headquarters of a department are or may be established the department commander may set aside quarters for the staff, but will not disturb assignments made under paragraph 1089 if it can be avoided. Quarters thus reserved will not be open to selection, but will be subject to assignment independent of choice.

1095. An appropriate set of quarters, equal to those of a captain, will be set apart permanently for the chaplain. He will not be displaced, except by a reduction when the quarters are insufficient for the garrison, and he will not then be entirely displaced, nor allowed to choose others.

1096. An officer's right to quarters is solely one of occupancy. When he and his family cease to occupy them, except in case of temporary absence, they are open to selection by and reassignment to some other officer on duty at the post.

1097. When assigned to duty without troops or awaiting orders for the convenience of the Government, officers will be entitled to quarters, but in no case will they be furnished quarters at two stations at the same time.

1098. The allowance of quarters to which an officer is entitled when on duty may be continued in kind, at his proper station, during the period for which the law permits him to be absent without reduction of pay and allowances. An officer under suspension has the same right to quarters as when on duty status, if present at the post.

1099. At a post a room may be set aside as a mess room when a majority of its officers unite in a mess, but never when the officers to be accommodated are less than three in number.

1100. An officer on sick leave is entitled to public quarters at his station during the period of sick leave, not exceeding six months, provided he or his family occupy them. He may hold hired quarters only while he is personally an occupant.

FUEL AND STOVES.

1101. Officers may purchase from the Quartermaster's Department the fuel actually needed for their own use. For the quantity allowed them in the table contained in paragraph 1110 they will pay at the rate of $3 per cord for standard oak wood, or the equivalent thereof in other kinds of fuel as determined by the Quartermaster-General. For any additional quantity they shall pay the contract price, or $3 per cord if the contract price is less than $3.

1102. The Quartermaster's Department may sell fuel in accordance with the preceding paragraph to contract and dental surgeons and veterinarians and to families of officers who are temporarily absent, or who are on duty abroad or in Alaska, on the written certificate of the officer that the amount of his allowance covered by the certificate will not be otherwise drawn by him. Officers on the retired list, officers on sick leave, or under sentence of suspension from duty on reduced pay, when absent from their proper stations, are not entitled to this privilege.

1103. The commanding officer of a post, at or near which the immediate family of a regular or volunteer soldier who is absent abroad resides, may, if the residence and other conditions of such family make it proper, grant to the head thereof permits to purchase for cash at cost prices, such quantities of fuel as, in his opinion, may be reasonably needed for the sole use of the soldier's immediate family.

1104. Officers who desire to purchase fuel of the Quartermaster's Department will make requisition therefor. Payment will be made at the time of sale, and receipt given.

1105. Fuel will be sold only on the officer's certificate that it is for his personal or family use, and he will not sell or exchange it. The commanding officer will compare the requisitions and certificates with the quartermaster's abstract of sales of fuel, and if correct, so certify on the abstract.

1106. Merchantable oak wood is the standard; the cord is 128 cubic feet. The scale of equivalents to govern in the issue and sale of fuel is published from time to time in general orders.

1107. An officer may purchase from the Quartermaster's Department one-sixth of his allowance of fuel in kindling wood, which will be sold on the basis of its equivalent in oak wood.

1108. Fuel issued to troops is public property. Any portion not consumed by them will be returned to the quartermaster and taken up on his return. Fuel so issued, however, and not consumed in quarters, may be used in baking the soldier's bread; and at any post where coal is used exclusively, the quartermaster may, upon the request of the post commander, provide, as part of the fuel allowance, an equivalent of wood in lieu of coal sufficient for the post bakery.

1109. Fuel will be issued only in the month when due. The cheapest fuel at the place of issue will, all things considered, be furnished.

1110. The following table shows the number of rooms, the quantity of fuel, and the allowance of cooking and heating stoves to be supplied for the use of officers and men in quarters and barracks:

	Rooms.			Cords of wood per month.		Increased allowance from September to April, both inclusive.		For quarters.		For office.
	As quarters.	As kitchen.	As office.	From May 1 to Aug. 31.	From Sept. 1 to Apr. 30.	Between 36th and 43d deg. N. latitude, one-fourth.	North of 43d deg., one-third.	Heating stoves.	Cooking stoves or ranges.	Heating stoves.
A lieutenant-general or major-general	5	1	...	1	5	1¼	1⅔	5	1	.....
A brigadier-general or colonel	4	1	...	1	4	1	1⅓	4	1	.....
A lieutenant-colonel or major	3	1	...	1	3½	⅞	1⅙	3	1	.....
A captain or chaplain	2	1	...	¾	3	¾	1	2	1	.....
A lieutenant	1	1	...	⅜	2	½	⅔	1	1	.....
The Commanding General of the Army	...	...	3	....	3	¾	1	.....	.....	3
The commanding officer of a territoral department	...	...	2	....	2	½	⅔	.....	.....	2
The aids to the commanding officer of a territorial department	...	...	1	....	1	¼	⅓	.....	.....	1
An assistant or deputy quartermaster-general, an assistant commissary-general of subsistence, an assistant surgeon-general, the assistant and deputy paymaster-general, and the chief quartermaster and chief commissary at the headquarters of a territorial department, each	...	...	2	....	2	½	⅔	.....	.....	2
The commanding officer of a regiment or post, a paymaster, quartermaster, assistant quartermaster, commissary, and military storekeeper, each	...	...	1	....	1	¼	⅓	.....	.....	1
An assistant adjutant-general, an inspector-general, an acting inspector-general, an engineer,* an ordnance officer,* a signal officer, a judge-advocate or an acting judge-advocate, and the senior medical officer, when stationed on duty at any place not in the field,* each	...	...	1	....	1	¼	⅓	.....	.....	1
An acting assistant quartermaster, an acting commissary of subsistence, an adjutant, when approved by the Quartermaster-General, each	...	...	1	....	1	¼	⅓	.....	.....	1
A regimental, squadron, or battalion, sergeant-major, quartermaster-sergeant, color sergeant, sergeant of the post noncommissioned staff, hospital steward, principal musician, signal sergeant,† enlisted men of the signal corps when employed as signal sergeants, drum major, chief trumpeter,† and chief musician, each	1	...	...	½	1	½	⅓	1	.....	.....
Superintendent national cemetery	...	...	...	½	1	½	⅓	.....	1	.....
Each noncommissioned officer, musician, private, and hospital matron	...	...	...	1/12	1/6	1/24	1/18	.....	.....	.....
Each necessary fire for the sick in hospital, each dispensary and hospital mess room, at a military post or station, to be regulated by the surgeon and commanding officer, not exceeding	...	...	...	½	2	½	⅔	1	.....	.....
For general hospitals, when necessary, not exceeding, for each bed	...	...	...	1/12	1/6	1/24	1/18	.....	.....	.....
Each guard fire, to be regulated by the commanding officer, not exceeding	...	...	...	....	3	¾	1	1	.....	.....
Each necessary fire for military courts or boards, at a rate not exceeding	...	...	...	....	2	½	⅔	1	.....	.....
Storehouse of a commissary and quartermaster, when necessary, not exceeding for each	...	...	...	....	1	¼	⅓	1	.....	.....

*Except at Military Academy.

†Except when serving in a detachment.

	Rooms.			Cords of wood per month.		Increased allowance from September to April, both inclusive.		For quarters.		For office.
	As quarters.	As kitchen.	As office.	From May 1 to Aug. 31.	From Sept. 1 to Apr. 30.	Between 36th and 43d deg. N. latitude, one-fourth.	North of 43d deg., one-third.	Heating stoves.	Cooking stoves or ranges.	Heating stoves.
Each employee of the Quartermaster's, Subsistence, or Medical Department to whom subsistence in kind is issued by the Government	---	---	---	1/12	1/6	1/24	1/18	---	---	---
For library, reading room, schoolroom, chapel, and gymnasium, 1 heating stove for each, and when the garrison exceeds 150 enlisted men, 2 heating stoves, and such quantity of fuel for the same as may be certified to as necessary by the officers in charge and approved by the commanding officer	---	---	---	---	---	---	---	---	---	---
For a company: 2 large stoves in dormitory, 1 large stove in each mess room and day room, 1 small stove for each of the two rooms for noncommissioned officers, 1 small stove for the library, and 1 cooking stove or range sufficient to cook its food	---	---	---	---	---	---	---	---	---	---
Each hospital kitchen	---	---	---	---	---	---	---	---	1	---
For each authorized room as quarters for civilian employees	---	---	---	---	---	---	---	1	---	---
For each six civilian employees to whom fuel is allowed	---	---	---	---	---	---	---	1	---	---
For mess of civilian employees	---	---	---	---	---	---	---	---	1	---
For telegraph office	---	---	---	---	---	---	---	1	---	---
For each blacksmith, carpenter, and saddler shop	---	---	---	---	---	---	---	1	---	---

1111. In addition to the number prescribed in the table, the headquarters of a department will be allowed such number of office rooms (not more than eight) as may be necessary for clerks on duty thereat (the Quartermaster's and Subsistence Departments excepted), which will be assigned by the chief quartermaster under the direction of the department commander. A heating stove for each room not otherwise heated will also be allowed. Office rooms will not be hired without the written authority of the Secretary of War, and no lease of such rooms will take effect until approved by him.

1112. The officers of the Quartermaster's and Subsistence Departments may, when necessary, be allowed additional office rooms, with a heating stove for each, not to exceed three in the former and two in the latter named Department. The number of additional rooms so allowed will be regulated by the Quartermaster-General.

1113. Stoves will not be issued to officers who receive commutation of quarters.

1114. A regimental squadron or battalion sergeant-major, a sergeant-major, senior or junior grade, and electrician-sergeant of the Artillery Corps, regimental quartermaster-sergeant, regimental commissary-sergeant, color sergeants, sergeant of the post noncommissioned staff, hospital steward, signal sergeant, drum-major, chief trumpeter, and chief musician may each be allowed one cooking stove in lieu of one heating stove.

1115. If at a military post, situated between the thirty-sixth and forty-third degrees of latitude, the mean temperature for twenty days of any calendar month is not above 20° F., an increase of fuel of one-third instead of one-fourth, as shown in the table, will be allowed. If the temperature is not above 10° F., an increase of

one-half will be allowed, whatever the latitude of the place. The certificate of the post surgeon as to the mean temperature and the order of the post commander for the issue will be filed with the abstract of issues.

ILLUMINATING SUPPLIES.

1116. The Quartermaster's Department will provide lamps, lanterns, mineral oil, wicks, and lamp chimneys for the various military posts and stations.

1117. Lamps having one or two burners, with circular wicks of about 1½ inches inside diameter, will be issued as follows: To troops in barracks, at the rate of one burner for every ten men and every fraction thereof, when the fraction is five or more, of the maximum strength allowed the organization, and such number of lamps or lanterns for lighting interior passageways as may be necessary, not to exceed three in each barrack. Companies messing separately will be allowed three additional burners. To each regimental, battalion, and post noncommissioned staff officer, to each noncommissioned staff officer of the artillery corps, to signal sergeants when not serving with detachments, and to each first sergeant, a lamp with a single burner. For hospitals such number of burners, not to exceed one for each ward or room, as may be deemed necessary by the post surgeon and post commander. The lamps with wicks of less than one inch diameter, if on hand, will not be superseded except as they become unserviceable and are beyond repair. Two of these burners will be allowed in lieu of one of larger size, and parts for their repair will be furnished when called for.

1118. For the guardhouse and the authorized offices a lamp with a single burner for each room; for post reading and evening school rooms, post libraries, and chapels, such number of burners, not exceeding four for each room, as may be certified by the post commander to be necessary.

1119. Four burners (four lights) will be allowed to each company, troop, or battery quartered in a barrack having an amusement or a recreation room separate from the dormitories and rooms for which light is now authorized by the Regulations. Four burners (four lights) will be allowed to bands occupying quarters separate from those organizations to which they are attached.

1120. For outside illuminations, including passageways exterior to barracks which for the proper performance of garrison duties should be lighted, such number of oil lanterns or street lamps as the department commander shall, in writing, authorize for the purpose, will be supplied on properly approved requisitions. A copy of the authority from the department commander will be filed by the issuing officer with the voucher for the issue. Oil, wicks, and chimneys will be issued on requisitions in duplicate designating the number and location of lamps for which required.

1121. Either oil or candle lanterns may be used in stables, at the discretion of the commanding officer. The number of lanterns in each stable will be such as the commanding officer, with the approval of the department commander, shall require. If candle lanterns are used the candles will be issued by the Subsistence Department in such quantity as the commanding officer shall order as necessary. If oil lanterns are used the issue of oil, wicks, and chimneys therefor will be made in the manner prescribed in the preceding paragraphs.

1122. Mineral oil having a flash point not lower than 135° F. will be supplied for lamps and oil lanterns, and be issued in quantities as follows: For lamps used for interior illumination at the rate, per burner, of four ounces avoirdupois for each hour of authorized illumination for lamps using wicks of about 1½ inches diameter, and two ounces per hour for lamps with smaller wicks. For all oil lanterns such quantities as the commanding officer shall order and certify as necessary. No volatile oils, except those authorized and supplied by the supply departments, will be used at military posts without the authority of the commanding general of the department in which the post is located.

1123. The hours during which lamps and oil lanterns may be kept lighted at each post will be such as the commanding officer, with the approval of the department commander, may announce.

1124. A gallon of mineral oil of Army standard weighs one hundred and four ounces. In making estimates and requisitions calculations will be made at the rate of one gallon of oil for twenty-six hours' use of each large burner and fifty-two hours' use of each small burner, described in paragraph 1117.

1125. Officers of the Army, contract and dental surgeons, and veterinarians may buy from the Quartermaster's Department, at contract prices, such moderate quantity of mineral oil, lamps, wicks, and chimneys as they may need in the rooms occupied by themselves and families. This privilege is limited to the lamps, oils, wicks, and chimneys of like patterns, kinds, and qualities to those provided for troops.

1126. Civilians employed with the Army at remote posts or stations, where it is impossible to procure at reasonable rates such articles of clothing and other quartermaster's supplies (except uniforms) as they may need for their health and comfort, may be allowed to purchase same from the Quartermaster's Department in limited quantities for their own use, for cash at cost prices, with 10 per cent added to cover transportation. Such sales will, however, be made only upon the written approval of the commanding officer setting forth the necessity for such action, this authority to be filed with the return of the officer making such sales.

1127. Only one requisition for each month will be made by company or detachment commanders for fuel, forage, straw, mineral oil, wicking, chimneys, and other illuminating supplies that may be similarly expended. These requisitions, as approved by the post commander, will be consolidated, and the consolidated requisition, in duplicate, furnished the quartermaster, who will make issues thereon.

1128. Mineral oil issued to troops is public property for their use, and will be treated as provided in paragraph 1108 for fuel.

GAS AND ELECTRICAL ILLUMINATION.

1129. To insure economy in the use of electric current and of gas at posts where either of these illuminants is employed, the commanding officer of each such post will issue, with the approval of the department commander, a schedule and proper orders limiting the number of lights and hours during which they may be used, both for exterior lighting and the interior lights of barracks, guardhouses, storehouses, offices, hospitals, chapels, libraries, reading rooms, stables, etc.

The number of such lights must be limited to smallest number for proper lighting and the period of authorized burning of each light must be limited to the necessities in each case. One schedule of lighting will be prepared to cover the period from May 1 to August 31 and another for period from September 1 to April 30.

1130. Each noncommissioned staff officer entitled to quarters at posts where gas or electricity is installed will be allowed for the period between September 1 and April 30 1,500 cubic feet of gas or 20,000 watts of electric current per month, and from May 1 to August 31 900 cubic feet of gas or 12,000 watts electric current per month. Gas or electricity in excess of these allowances will be paid for at the end of each month to the quartermaster by the responsible noncommissioned staff officer.

At posts where the electric current is furnished from Government plant the charge for the excess will be at the rate of 10 cents per 1,000 watts. At posts where gas or electric current is obtained from local company the charge for the excess will be at contract price.

1131. In order to measure the amount of gas or electric current consumed, each noncommissioned staff quarters will be provided with proper meter, the key of which will be kept in possession of the quartermaster.

1132. Each officer's quarters will be likewise provided with a meter and the occupants of the same will be required to pay for all gas or electric current used at rates as indicated above.

The cost of installation of lights and fixtures in officers' quarters, as in other public buildings at posts, will be borne by the Quartermaster's Department, but after said installation all expense for repairs, new lamps, etc., in officers' quarters will be borne by occupants of said quarters.

1133. Authority is granted for the purchase from the Quartermaster's Department of gas or electric current, at rates as above indicated, for use in post exchanges and other buildings, the expense of lighting which is not payable from Government funds. All expense for replacing burnt-out lamps, repairing fixtures, wiring, etc., in such buildings will be borne by the parties interested.

1134. At each post supplied with a fortification electric plant sufficiently large for supplying necessary current for lighting buildings and grounds, the plant may be used for that purpose by the Quartermaster's Department when authorized by the Chief of Engineers, provided that the needs of defense shall have precedence over post lighting or power supply in any case in which both uses are simultaneously desired.

For this purpose, when funds that are applicable can be spared, the Engineer Department will construct necessary conduits, service wires, etc., to deliver the current to the various buildings and to exterior lights, and the Quartermaster's Department will wire the buildings, furnish meters for officers' and noncommissioned officers' quarters, exterior lamps, etc., and will in addition to the fuel, material, etc., required to be furnished by it to all fortification electric plants under the provisions of paragraph 385 of these Regulations, supply for such plants as may be used for post lighting all material and funds necessary for their repair and preservation.

1135. The allowances of lamps and mineral oil are prohibited for buildings and grounds where gas or electric light is installed.

STATIONERY.

1136. Issues of stationery are made quarterly, in quantities as follows:

	Quires of writing paper.	Quires of envelope paper.	Sheets of blotting paper.	Number of pens.	Number of penholders.	Pints of black ink.	Ounces of red ink.	Pints of mucilage.	Ounces of sealing wax.	Pieces of office tape.	Envelopes.
Commander of an army, army corps, division, or department (what may be necessary for himself and staff for their public duty).											
Commander of a brigade or district, for himself and staff	12	¼	24	50	4	2	2	1½	8	2	200
Officer commanding a regiment or post of not less than five companies, for himself and staff	10	¼	24	40	3	2	1	1½	6	2	150
Officer commanding a post of more than two and less than five companies	8	¼	20	30	3	1	1	1	5	1	120
Commanding officer of a post of two companies	7	¼	15	25	2	1	1	½	4	1	100
Commanding officer of a post of one company or less, and commanding officer of a company	6	¼	10	20	2	1	1	½	3	1	80
A lieutenant-colonel or major, not in command of a regiment or post	3	....	5	12	1	1	....	½	2	1	40
Officers of the Inspector-General's, Judge-Advocate-Generals, Pay, and Quartermaster's departments (the prescribed blank books and printed forms, and the stationery required for their public duty).											
All officers, including chaplains, not enumerated above, when on duty and not supplied by their respective departments	2	⅛	5	6	1	½	....	¼	1	⅛	30

1137. To each office desk or table is allowed one inkstand, one paper folder, one ruler, one steel eraser, one piece of india rubber, and four lead pencils. A company commander is entitled to this allowance. Officers when relieved will transfer office stationery to their successors.

1138. The Quartermaster's Department is authorized to issue yearly to retired officers, upon proper requisition, six quires of writing paper, one hundred official envelopes, fifty letter envelopes, one piece of office tape, and one-half quire of envelope paper.

1139. The yearly allowance of stationery to a sergeant of the post noncommissioned staff on duty at a post not garrisoned by troops is two quires of writing paper, letter size, four sheets of blotting paper, one hundred envelopes, official size, one dozen steel pens, two penholders, one pint bottle of black ink, one small bottle of mucilage with brush, one inkstand, and one piece of office tape.

1140. Necessary stationery for courts and boards will be furnished on requisition of the judge-advocate or recorder, approved by the presiding officer.

PURCHASE OF PUBLIC ANIMALS.

1141. Purchase of horses for the cavalry and artillery, for Indian scouts, and for such infantry and signal detachments as may be mounted, will be made by contract, after competition duly invited by the Quartermaster's Department and an inspection by such department—all under the direction and authority of the Secretary of War.

1142. The cavalry horse must be sound and well bred; gentle under the saddle; free from vicious habits; with free and prompt action at the walk, trot, and gallop; without blemish or defect; of a kind disposition; with easy mouth and gait, and otherwise to conform to the following description:

A gelding of uniform and hardy color; in good condition; from fifteen and one-fourth to sixteen hands high; weight not less than 950 nor more than 1,150 pounds; from four to eight years old; head and ears small; forehead broad; eyes large and prominent; vision perfect in every respect; shoulders long and sloping well back; chest full, broad, and deep; fore legs straight and standing well under; barrel large and increasing from girth toward flank; withers elevated; back short and straight; loins and haunches broad and muscular; hocks well bent and under the horse; pasterns slanting and feet small and sound.

Each horse will be subjected to a rigid inspection, and any animal that does not meet the above requirements in every respect must be rejected.

A horse under five years old should not be accepted unless a specially fine, well-developed animal.

1143. The artillery horse is required for quick draft purposes, and should move the carriage, ordinarily, by weight thrown into the collar rather than by muscular exertion.

The animal must be sound, without blemish or defect, well bred, of a kind disposition, and free from vicious habits; a square trotter, well broken to harness, and gentle under the saddle; with easy mouth and gait, and with free, prompt action at the walk, trot, and gallop; and otherwise to conform to the following description:

A gelding of uniform and hardy color; in good condition; from fifteen and one-fourth to sixteen hands high; weight of the lead horse not less than 1,050 pounds, and that of the wheel horse not more than 1,200 pounds; from five to eight years old; head and ears small; forehead broad; eyes large and prominent; vision perfect in every respect; chest full, broad, and deep; fore legs straight and standing well under; shoulders sufficiently broad to support the collar, but not too heavy; barrel large and increasing from girth toward flank; withers elevated; back short and straight; with broad, deep loins, short coupled with solid hind quarters; hocks well bent and under the horse; pasterns slanting and feet sound and in good order.

Long-legged, loose-jointed, long-bodied, and narrow-chested horses, as well as those which are restive, vicious, or too free in harness, or which do not, upon rigid inspection, meet the above requirements in every respect, will be rejected.

1144. Mules purchased for the Army by the Quartermaster's Department should conform to the following conditions: They should be strong, stout, compact, sound, and kind; they should be free from defects in every particular, four to nine years old, 850 to 1,200 pounds in weight, fourteen to sixteen hands high, and suitable in all respects for the transportation service of the Army. If for draft purposes, they will be well broken to harness; pack mules need not be broken, and may be not less than thirteen and a half hands high, if otherwise suitable.

1145. Public animals shall, upon the day received, be branded with the letters "U. S." on the left fore shoulder. Cavalry and artillery horses, assigned to organizations, will also be branded on the hoof of one forefoot, one and one-half inches below the coronet, with the designation of the regiment and troop or battery. Branding irons will be supplied by the Quartermaster's Department of uniform size and design. Letters "U. S." to be two inches in height. Letters and numbers of hoof brands on the same line, to be three-fourths of an inch high, the letter to precede the number, and blocked so as to penetrate the hoof one-sixteenth of an inch.

1146. A complete descriptive list of each animal will be made at the time of purchase, and will accompany him wherever he may be transferred.

1147. A descriptive book of public animals will be kept with every troop of cavalry and battery of field artillery, and with the records of every officer responsible for public animals. It will contain a description of every animal received and transferred, showing the kind, name, age, size, color, marks, brands, or other peculiarities of each; how and when acquired and if disposed of in what manner; the name of its rider or driver, and the peculiar use to which applied.

1148. When public animals are issued or transferred, the person in charge will be provided with full and accurate descriptive lists, which he will deliver to the receiving officer, by whom they will be entered in his descriptive book of public animals.

1149. Public animals will be assigned to their riders or drivers, who will not exchange or surrender them to the use of any other person without the permission of the company commander, quartermaster, or other officer responsible.

1150. Horses and mules inspected and condemned as unfit for service will be advertised for sale and disposed of within ten days from date of advertisement.

VETERINARY MEDICINES.

1151. Veterinary medicines, instruments, and supplies for the treatment of public animals and authorized private horses of mounted officers are furnished by the Quartermaster's Department. Estimates will be prepared on the regular form for estimates for quartermarter's stores and in conformity with the standard supply table furnished by the Quartermaster-General.

1152. The quartermaster will have charge of veterinary medicines and dressings, and, under the direction of the commanding officer, will issue and expend such articles and in such quantities as may be necessary. A special requisition for articles not in the table, with an explanation of the nature of the emergency or case rendering it necessary, will be forwarded, through the regular channel, for the action of the Quartermaster-General.

1153. Veterinary instruments and books will remain in the custody of the quartermaster, and will be loaned as needed in the public service.

FORAGE AND STRAW.

1154. The forage ration for a horse is fourteen pounds of hay and twelve pounds of oats, corn, or barley; for a mule, fourteen pounds of hay and nine pounds of oats, corn, or barley. Department commanders will reduce the forage ration when necessary.

1155. Where grazing is practicable, or when little labor is required, commanding officers will order a judicious reduction of the forage ration.

1156. Forage will be issued only during the month when due.

1157. Forage is furnished only to officers for the horses owned and actually kept by them in the performance of their official duties when serving with troops in the field or at military posts and stations, and for the following number: To a lieutenant-general, four; to a major-general or a brigadier-general, three; to a colonel, lieutenant-colonel, major, captain, or lieutenant, mounted, and regimental adjutant and quartermaster, each two.

1158. Mounted officers will not use public horses and at the same time draw forage for those they own; nor will they use public animals except as authorized by regulations. Should circumstances render it necessary, an officer may be temporarily furnished public horses, but during such period he will not be permitted to draw forage for a private horse.

1159. An officer not mounted may purchase forage for two horses kept for his own use, for which he will be charged cost, including transportation. The sale of forage to mounted officers is forbidden.

1160. An officer shall not sell, nor allow to be sold, the forage issued for his own horses or the public animals under his charge; nor shall he use or dispose of, or permit to be used or disposed of, such forage, or any portion thereof, except for the purpose for which it was issued. Forage issued for a particular period and unconsumed during the period will be taken up and properly accounted for. The commanding officer will compare the requisitions with the quartermaster's abstracts of issues and sales of forage, and if correct so certify on the abstract.

1161. When mattresses are not supplied, each enlisted man in barracks and each prisoner in the guardhouse will be allowed a bed sack and thirty pounds of straw per month for bedding, and men in field hospitals such quantity as the chief medical officer shall certify as necessary. So far as practicable, iron bunks will be furnished to all prisoners in post guardhouses and prison rooms.

1162. One hundred pounds of straw per month is allowed for bedding to each horse or mule in public service. At posts where straw is not furnished hay will be issued and used for bedding.

CARE AND ACCOUNTABILITY FOR PROPERTY.

1163. Unless otherwise specially directed by the Secretary of War there will be at each military post or station but one accountable officer in the Quartermaster's Department, and he will account for all quartermaster's supplies there in use or in store.

1164. When troops are assembled for field service, there will be but one accountable officer in the Quartermaster's Department for each regiment, separate battalion, or squadron, and he will account for all quartermaster's supplies in the possession of the command of which he is quartermaster.

1165. At places requiring the services of more than one quartermaster each one charged with the care and disposition of quartermaster's supplies will account for the same.

1166. Officers commanding companies or detachments will be furnished by the quartermaster, on approved requisition, with the necessary authorized quartermas-

ter's supplies; and for all such, except those that may be properly dropped as expended, said commanding officers will give memorandum receipts to the accountable officer, who will continue to bear said supplies on his return until they have been transferred or expended and duly accounted for as required by regulations.

1167. Officers commanding companies or detachments temporarily absent from posts will continue responsible to quartermasters from whom supplies have been procured on memorandum receipts. Should the services of a quartermaster become necessary, one will be appointed for the command.

1168. When troops change station, only such quartermaster's supplies as are authorized, or as may be directed to be transferred, will be removed from the station. Company and detachment commanders, prior to departure from a station, will have a settlement with the quartermaster for supplies held on memorandum receipt. For such supplies as must accompany troops, company and detachment commanders will give certificates to the quartermaster. Memorandum receipts that have been thus satisfied will be returned to the respective company and detachment commanders. The quartermaster will forward the certificates, accompanied by the requisite papers for transferring the accountability, to the quartermaster at the destination of the troops. The commanders of incoming organizations upon arrival will report the supplies in their custody and give memorandum receipts therefor to the quartermaster, who will then return to the respective commanders their certificates.

1169. Certificates given for supplies accompanying troops and memorandum receipts given by officers for supplies issued or loaned for their individual use, or for use of the organizations under their command, will be made in the prescribed form, and should any officer, when called upon by proper authority to produce any of the supplies enumerated therein, fail to do so, or to furnish proper evidence that deficient or damaged supplies have been accounted for as required by regulations, the name of the officer delinquent will be reported to the Secretary of War by the Quartermaster-General, and said officer's pay to the extent of the deficiency or damage will be stopped, in conformity with paragraphs 783 and 784. The accountable officer may drop from his return the articles deficient, forwarding the memorandum receipt or certificate as a voucher therefor.

1170. A forage master or wagon master shall not be concerned, directly or indirectly, in any means of transport employed by the United States, or in the purchase or sale of any property procured for or belonging to the United States, except as agent for the Government.

1171. Deliveries under contract will be made monthly when practicable. Officers responsible for stores will take the necessary precautions to prevent loss or damage.

1172. Grain, hay, straw, and coal when received will be carefully weighed. Wood will be carefully piled and measured.

1173. Short forage should be contracted for by the hundred pounds, but when a contract for grain is made by the bushel the number of pounds per bushel will be specified in the contract.

1174. Every officer accountable for fuel, forage, and straw, at the end of each quarter and also when transferring to a successor, will verify by actual weight or measurement the quantities on hand. In case of transfer the verification will be made in the presence of the receiving officer.

1175. The quantities of fuel, forage, and straw on hand will be certified to by the officer accountable, and his certificate to that effect will be attached to his property return.

1176. The commanding officer of the post will see that the verification required by paragraph 1174 is made, and at the end of each quarter he will send to depart-

ment headquarters, or if serving at an arsenal or an independent post or depot, to the Quartermaster-General, a certificate stating that the verification has been made, and that, in his opinion, the quantities actually on hand, as determined by such verification and certified to by the accountable officer, are correctly reported. The certificate will be made in duplicate and one will be filed with the post records. In case excess be found, it will be taken up on the return for the quarter. In case of deficiency, a board of survey will be called to make a full investigation and will report the facts, with its conclusions as to the cause of deficiency and responsibility therefor.

1177. Every officer accountable for quartermaster's supplies will keep himself accurately informed, by personal examination, of the quantities and condition of the property on hand, and will be held strictly responsible that they are correctly reported on his returns. The commanding officer will see that a complete, detailed, and accurate inventory of such property, except that held on memorandum receipts, is taken by the accountable officer in person at least once each year, and as much oftener as he may deem necessary for the interests of the Government. At each transfer of such property both the invoicing and receipting officer will attend in person, and each will satisfy himself, by personal count and examination, that all property invoiced is on hand and in condition as stated in the invoices. When loss, damage, or deficiency is discovered upon taking any of these inventories, a board of survey will be called at once to investigate and ascertain the cause thereof, which it will report with its conclusions as to the responsibility for the same.

HORSES OF MOUNTED OFFICERS.

1178. In the field, at posts, or in active service, sales of horses held in the Quartermaster's Department for issue, sale, or keeping may be made to mounted officers, with the approval of the Commanding General of the Army, or on the authority of the Secretary of War. Horses belonging to troops of cavalry and to batteries of artillery will not be sold nor turned in to the Quartermaster's Department unless previously inspected and condemned as unserviceable. The price to be paid for a horse purchased by an officer will be its cost to the Government. Purchase and payment will be completed within thirty days from the date of receipt of authority for the sale, and the purchase money at once deposited to the credit of the current appropriation. Horses thus sold will not be exchanged or returned.

1179. The use of public horses by officers receiving mounted pay will be regulated by department commanders in conformity with the necessities of the public service. Unless specially excepted by the Commanding General of the Army, all mounted officers will be required to keep the private horses necessary for the efficient performance of their duties.

1180. While serving with a light or mounted battery a captain or lieutenant of artillery will be allowed to use a battery horse.

1181. The Quartermaster's Department will provide and issue horse and mule shoes, nails, smith's tools, and materials required for the service, except the smith's tools of the battery wagons and forges of light batteries. The horses of a troop of cavalry or light battery will be shod by its farrier or blacksmith.

1182. The Quartermaster's Department will transport, for officers changing station, the number of horses for which they are legally entitled to forage, and an attendant to accompany the horses when necessary, subject to the following restrictions:

1. That the expense paid by the United States shall not exceed $100 for each horse transported. The cost of such shipment will be ascertained in advance, and if found to exceed $100 for each horse, including transportation of attendant, if any

the excess must be prepaid by the owner, who must also pay all the expenses of the attendant other than his transportation.

2. That the horses are owned by the officer and were used by him in the public service at the station from which he is ordered to move, and are intended to be so used by him at his new station.

3. The horses of retired officers or officers ordered to their homes to await retirement, or officers ordered on recruiting service or college detail, or to effect a voluntary transfer, or to attend schools of instruction as student officers, except when ordered to duty as students at the United States Infantry and Cavalry School, Fort Leavenworth, Kans., will not be transported at public expense.

TRANSPORTATION.

General Provisions.

1183. For wagon and pack transportation mules will generally be employed, and horses may be used for saddle purposes by wagon masters, messengers, expressmen, and employees or enlisted men pursuing kindred occupations which require them to be mounted. For draft purposes, except at depots or posts in or near large cities where little transportation is needed, horses will not be used unless specially authorized by the War Department.

1184. The allotment of draft and pack animals to each military department will be made by the Quartermaster-General under the direction of the Secretary of War.

1185. The transportation of supplies from place of purchase or from supply depots to military posts, or from one post to another, will be provided under contract made by the Quartermaster's Department, except when the means of transportation authorized in paragraph 1184 is available.

1186. In providing transportation for persons and property, the shortest practicable route will, as a rule, be adopted, although a longer one may be used to secure lower rates when time will permit. When competing routes furnish equal facilities, advantages, and rates, each will be given a share of employment.

1187. The allowance of spring wagons, exclusive of the prescribed ambulance for the sick, is fixed at one to each post, except when otherwise authorized by the War Department. All four-wheeled passenger wagons (except ambulances) having springs under the body shall be considered spring wagons.

1188. Spring wagons will be used only by direction of commanding officers and for the purpose for which they are supplied, viz, for the transportation of officers and enlisted men traveling on duty when other means are not available.

1189. The Quartermaster's Department will provide the necessary ambulances for transporting the sick and wounded upon the requisition of the proper medical officer.

1190. All means of public transportation at a post will be accounted for by the quartermaster, and will be under his charge except as provided in paragraph 1610. Post commanders will cause cavalry troops and field batteries to be provided daily with the proper facilities for policing stables and hauling forage.

1191. Commanding officers will give timely notice to the proper officers of the Quartermaster's Department of all contemplated movements of troops and supplies, that proper and sufficient transportation may be in readiness.

1192. The duty of furnishing transportation at any post, station, or depot will be intrusted to one officer of the Quartermaster's Department, on whom requisitions will be made therefor.

THE ARMY TRANSPORT SERVICE.

1193. The Quartermaster's Department of the Army is charged with the transportation of troops and supplies between the United States and such over-sea garrisons and military commands as shall be authorized Those officers and employees who are detailed to carry out the work constitute the Army Transport Service. All necessary expenses incident to that service will be paid from the appropriations made for the support of the Army. The Army Transport Service is governed by special regulations promulgated by the Secretary of War.

1194. The organization and conduct of the Army Transport Service will be assimilated as nearly as practicable to the most improved methods of administration of a chartered steamship business, subject to such modifications as shall better adapt it to governmental purposes and the general requirements of military administration.

1195. The Army Transport Service will have full charge of and responsibility for the berthing and subsisting of all authorized persons on board, and will supply everything necessary for that purpose. The saloon, cabin, and other supplies and equipment for the several classes of persons transported will be of the best quality and such as are provided in passenger steamers of standard class.

1196. Subject to the supervision of the Quartermaster-General, the Army Transport Service will be conducted by its own officers and employees, especially selected or appointed, and under its own regulations, and be made, as far as practicable, independent of the administration of other branches of army transportation, but such matters as relate to the subsistence and medical departments will be under the supervision of the chiefs of those bureaus.

1197. To each transport shall be assigned, when required by the nature of the service, a transport quartermaster, who shall be an officer of the Quartermaster's Department, selected or appointed with special reference to the needs of the transport service and under the direction of the general superintendent, to act as quartermaster, supercargo, and disbursing officer of the ship.

1198. The transport quartermaster will be the representative on board ship of the general superintendent, and all orders for the ship will be given to and through him. He will have the general direction of the movements of the ship and be in general charge of its business and responsible for the proper care and disposition of the passengers and freights until delivered at destination, leaving, however, the master and chief engineer of the ship to exercise full and unquestioned control and authority over all matters within their technical purview, and for which they are professionally responsible, as the immediate heads of the deck and engine departments. Any orders to be given by the transport quartermaster touching the deck or engine departments will be made to or through the master.

1199. Upon the arrival of an army transport at a foreign port the transport quartermaster will call in person at the United States legation or consulate and report the arrival of his ship in port.

1200. The register of passengers on the army transports shall show, in case of every name thereon, the address (giving street and number) of the relative whom it is desired shall be informed in the event of death.

In each case of death occurring on the transport among the registered passengers—i. e., officers and enlisted men not belonging to distinct commands on board, as well as civilians and employees—the transport quartermaster will secure the effects and prepare a letter to the nearest relative setting forth the name, rank, company, regiment, employment or condition of the deceased, place, cause, day and hour of death, disposition made of remains and effects and list of the latter, and mail the communication at the earliest opportunity to its address. Such notification of death in the

case of an officer, enlisted man, or civilian employee of the Army shall include also the information that, if it be desired, the remains will be shipped home at Government expense, upon application therefor by the nearest relative addressed to the Quartermaster-General, United States Army, Washington, D. C.; but if not applied for within six weeks after arrival at port in the United States, the remains will be buried in a national cemetery and thereafter will not be disinterred and shipped home at public expense; also that inquiries concerning the pay and effects of deceased officers and soldiers should be addressed to the Adjutant-General, United States Army, Washington, D. C.

TRANSPORTATION OF PERSONS.

1201. When troops are moved, suitable transportation will be provided; proper orders and an exact return of the command will be furnished to the quartermaster who is to provide the same.

1202. On transports, cabin passage will be furnished officers and reasonable and proper accommodations for troops. When practicable a separate apartment will be provided for the sick.

1203. A person requiring transportation will exhibit an order from competent authority, and the quartermaster who furnishes it will make and file a certified copy of the same. The quartermaster will indorse on the original order, over his signature, the fact that transportation has been provided, its kind, the places from and to which it has been furnished, and the number of pounds of extra baggage transported, if any. The original order will be retained by the person who receives the transportation, and in case of a soldier entitled to commutation of rations while traveling, will be disposed of as directed in paragraph 1418. When a quartermaster furnishes transportation, under the provisions of paragraph 121, to a soldier on furlough, he will report the actual or probable cost thereof to the company commander and will enter on the furlough a statement that the transportation has been furnished. The officer paying the account will notify the company commander of the actual amount paid and the date of payment.

1204. When transportation is furnished for the entire journey, the route, if not designated in the order, will be determined by the Quartermaster's Department in accordance with existing rules.

1205. A quartermaster who provides the transportation for troops will notify, by mail or telegraph, the quartermasters at places where changes of route are to be made, or means of transportation are to be changed, of the day on which the troops will start, their route, destination, the number of officers, enlisted men and animals, and the quantity of public property and baggage for which transportation will be required.

1206. The quartermaster who provides the transportation, or a duly authorized representative, will be present at the embarkation of the troops, and will see that the accommodations contracted for have been provided. A similar course will be pursued where practicable at places where changes of route or important connections are to be made. If delay is necessary in either case, in order to complete the arrangements for transportation, the commanding officer of the troops will be duly notified.

1207. The Quartermaster's Department, when called upon to do so by recruiting officers, will furnish transportation from place to place, for the purpose of examining recruits, to civilian physicians not under contract but employed under verbal agreement for the examination of recruits, pursuant to paragraph 940 of the Regulations. The cost of such transportation will be a charge against the appropriation for "Transportation of the Army and its supplies."

TRANSPORTATION REQUESTS.

1208. A request for transportation issued by a quartermaster should set forth date and place of issue; time for which it will be valid; name of company required to furnish transportation; name of the person, or of the one in charge of the party to be transported, with number thereof; pounds of extra baggage, if any; organization to which the person belongs, if an officer or enlisted man; the places of original departure and ultimate destination, with the initial letters of each road or line to be used on the journey.

1209. The officer furnishing the request will indorse thereon the authority for its issue, the number, date, and place of issue of the order for transportation, and the nature of the journey or purpose for which it is to be performed, as follows: "Changing station;" "Deserters" (giving name, rank, company, and regiment); "Returning from furlough, proper officer notified;" "On detached service" (the nature of the service to be stated); "Discharged soldiers en route home (or en route to paymaster), indorsed on final statement;" "Insane soldier with escort to insane asylum;" "Guard and prisoners;" "En route to or returning from civil court under orders without summons;" "Clerk (or agent) of the Quartermaster's Department;" and cause for travel, etc.; and if the request is issued by virtue of any contract that fact will be stated and the contract designated.

1210. The space on the request reserved for "Remarks" is intended for any extraordinary notice, as, for example, when special rates shall govern, or when limited or unlimited tickets shall issue in cases where two or more classes of tickets are on sale, differing in cost or in time during which they can be used. Where through rates exist, notation should be made upon each of a series of separate requests, involving continuous travel over two or more roads, to the effect that settlement will be made on the basis of the division, among the roads interested, of the through limited rate for the entire journey. All officers charged with the duty of providing transportation will inform themselves upon these points, and will avail themselves of all opportunities of securing acceptable transportation at the lowest prevailing prices. The accommodations afforded by tourist sleeping cars, colonist or emigrant sleepers (a seat by day and a berth by night for each soldier), will be furnished whenever practicable, provided the cost of such accommodations, in addition to the travel fare imposed, does not exceed the cost of through limited first-class tickets between the points involved. As a rule, such accommodations should be procured at the cost of second-class fare with the price of seat or berth, or both, added; and in forwarding detachments even lower rates may be secured. Disbursing quartermasters will report to the Quartermaster-General all cases of neglect or error on the part of officers issuing transportation requests which result in a waste of public money.

1211. Requests should be properly receipted by the party named therein, and tickets procured before commencing the journey, as conductors are not authorized to accept transportation requests. If more than one person is to be transported, the officer or person in charge of the party, in filling the receipt, will state the number of the persons and pounds of extra baggage carried, and the class and description of transportation furnished. In no case will a receipt be given for transportation of more persons or extra baggage than the request calls for.

1212. The blank receipt at the bottom of the request will be filled in ink, and if the person receipting can not write his name he will make his mark, which will be witnessed. Names and places will be written in full. If the transportation is furnished by other than passenger train or in other than passenger cars the fact will be stated in the receipt.

1213. Officers will take advantage of any existing through rates, either for the whole or part of the journey. When transportation is required over several roads

by which arrangements have been made for through transportation upon single tickets, a single request, addressed to the initial road, will be issued (except as provided in paragraph 1216), upon which tickets should be procured by the officer issuing it or by the party to be transported.

1214. If transportation is required over a line of roads, one or more of which are land grant and subject to deduction of rates, and a single request is issued therefor, the name of the road, the fact that it is land grant and subject to deduction, also the per centum of deduction, will be stated in the request, and in settlement for the service the deduction on account of land grant will be made.

1215. If arrangements have been made for transportation for a part of the distance at less than the regular through rate, the rate for that part will be stated in the request.

1216. When transportation is required over a land-grant road, a separate request may be issued therefor if the road desires it, provided the railroad company agrees that such action will not commit the United States to the payment of local rates for through transportation. Separate requests must be issued in all cases where transportation is required over a bond-aided road.

1217. Duplicate requests for transportation will not be issued, nor will a request be issued after the transportation service has been performed.

1218. No portion of a request above the signature of the issuing officer will be changed in any particular. If explanations are required, they will be made on the back of the request.

1219. All unused tickets or parts of tickets procured on a transportation request will be returned to the officer who issued them, and by him forwarded to the officer who pays the account for the service. The value of such ticket or parts of tickets will be deducted from any money due or to become due the company for transportation over whose line they were obtained. On the collection of the value of such unused tickets they will be returned to the company by which they were issued.

1220. When transportation to any given point and return is required, the request for return transportation should be obtained at the destination, provided it can be there procured, except in cases where round-trip tickets can be obtained at reduced rates and made available for the journey; otherwise the quartermaster will issue two sets of requests, one to the place of destination, the other for return transportation.

1221. All facts necessary to enable the paying officer to decide as to the regularity or propriety of the proceedings will be stated upon the request. Should it appear to the paying officer that transportation has been improperly furnished by the issuing officer, he will make payment to the carrier for the service actually rendered, and will send to the Quartermaster-General a statement of all the facts, with a certified copy of the request.

1222. Officers drawing mileage are authorized to carry with them, at public expense, such quantity of baggage as they may require, not exceeding 150 pounds. This will include the portion carried free by the transportation lines.

1223. Officers traveling under orders with transportation furnished them in kind by the Quartermaster's Department, and who desire to retain in their possession a quantity of baggage greater than that passed free for passengers by the carrier, will be furnished with transportation requests, on which will be stated that portion of the 150 pounds of baggage allowed in excess of the quantity which, by the tariff of the respective carriers, is transported free. The officer receiving the request will certify, in the receipt appended thereto, whether transportation for such excess of baggage has been furnished, and settlement will be made by the Quartermaster's Department with the respective carriers accordingly.

1224. The Quartermaster's Department may provide transportation of baggage for enlisted men traveling under orders without troops, not to exceed the following weights:

	Pounds.
Noncommissioned officers	100
Privates of the Hospital Corps	100
Other privates	50

This allowance will accompany each man on the conveyance by which he is transported, and will include the number of pounds of baggage carried free on the passage ticket.

1225. Quartermasters, in issuing requests for transportation of officers and others traveling under orders, will not include therein public property of any description, nor personal baggage in excess of that portion of the allowance of 150 pounds not carried free, and for which transportation at public expense is authorized.

1226. Books of blank transportation requests will be provided by the Quartermaster-General. They will be furnished to quartermasters, who will receipt and account for them. Requests issued will be reported on the prescribed form. The numbers of all requests received, issued, canceled, etc., will be specified in the proper abstracts, and all canceled requests will accompany voucher to Abstract I.

1227. An officer relieved from duty in the Quartermaster's Department, or transferred to another station, will turn over to his successor all blank requests in his possession, unless otherwise directed, taking a receipt therefor, which will show the blank requests turned over and their numbers.

1228. Blank requests will not be removed from the military department to which they have been furnished, nor will they be transferred to officers who are not authorized to receive them. If lost or stolen, a report, giving numbers and series of those missing and circumstances attending loss, will be made at once to the chief quartermaster of the department and the Quartermaster-General, and the former will notify the transportation lines in his department and vicinity not to honor them.

1229. The stub of the request, containing its substance, and showing by what authority and for what purpose issued, will be preserved as part of the permanent record of the post or office from which the issue was made.

FERRIES, TURNPIKES, AND BRIDGES.

1230. Whenever it shall be necessary for troops, teams, or employees in the military service to pass on public duty over a legally constituted toll bridge, ferry, or turnpike, the officer or person in charge of the party will apply to the nearest quartermaster for a request for such passage. If he can not obtain it, he will give to the keeper of the bridge, ferry, or turnpike a certificate stating the number of persons and whether mounted or on foot, number of loose animals, teams and animals to each team for which toll or ferriage is due, and showing that the travel is on public duty. Accounts for such service, accompanied by the request, or certificates duly receipted, will be presented to the nearest disbursing quartermaster for settlement, who, before payment, will satisfy himself that the rates charged do not exceed those authorized, or paid by private individuals, and that the indebtedness was necessarily incurred for the public service. Payment may be made at the authorized or usual rates, unless more favorable terms can be obtained.

STREET-CAR AND FERRY TICKETS.

1231. Written requests for street-car and ferry tickets will be prepared by quartermasters and forwarded to the Quartermaster-General for authority to purchase. These requests will state the number, character, and cost of the tickets required, and

the officers submitting them will certify that the tickets are for use in messenger service in the public business. The tickets when purchased will be taken up on the return and expended solely in the performance of messenger service on public duty. In cases where street-car or ferry companies have no tickets for sale, reimbursement for fare paid may be made on a service voucher.

1232. The following persons are entitled, at public expense, to a double berth in a sleeping car, or to the customary stateroom accommodations on steamers, where extra charge is made for the same: Officers of the Army traveling on duty with troops; Army nurses, civilian clerks, and agents in the military service, when traveling under orders on public business; sergeant-majors (regimental, battalion, or squadron), ordnance, commissary (post or regimental), quartermaster (post or regimental), and electrician sergeants, hospital stewards, chief musicians, chief trumpeters, principal musicians, first sergeants, and sergeants of the Signal Corps, when traveling under orders on public business without troops; also invalid soldiers, when so traveling on the certificate of a medical officer showing the necessity therefor.

When the number of officers traveling with troops is too small to justify the hire by the Quartermaster's Department of a standard sleeping car for their accommodation, they shall be furnished with such part of a tourist sleeping car, or other suitable sleeping car, properly curtained off for their accommodation, as the Quartermaster's Department may provide for their use during the journey.

1233. Quartermasters providing parlor and sleeping car accommodations will issue requests therefor, and state therein the number of berths or seats required.

1234. When a journey is to be performed covering the route of more than one sleeping or parlor car, separate requests will be issued for accommodations in each car in which the person is to travel.

1235. The holder of a request which calls for sleeping or parlor car accommodations will receipt for the number of berths or seats furnished, naming the points between which they were furnished.

1236. Persons holding requests for sleeping or parlor car accommodations will, whenever practicable, present them to the proper agent and obtain tickets for the number of berths or seats required before commencing the journey. When not practicable to do so, berths or seats will be secured from the conductor of the car.

1237. Special sleeping or parlor cars will not be chartered when the expense exceeds the cost of the berths or seats authorized to be furnished.

1238. When it is impracticable for agents or conductors to furnish berths or seats in sleeping or parlor cars, the holder of the request will, on the termination of his journey, return it to the issuing officer with a statement of the reasons why it has not been used, and that officer will account for it on his return.

1239. The Quartermaster's Department will pay accounts for sleeping and parlor car accommodations when made out in the name of the company furnishing them, and based upon requests issued by quartermasters. In settlement it will not allow for a greater number of berths or seats than is called for in the request, although more may have been receipted for; and when a less number has been receipted for than the request mentions, it will pay in accordance with the receipt. When the receipt covers a greater number of berths or seats than is called for in the request, the disbursing officer will report the fact to the Quartermaster-General, but payment for the authorized number will not be delayed.

1240. An officer traveling with troops who incurs expense for authorized sleeping or parlor car accommodations, when it is impracticable to obtain a request therefor, will be reimbursed by the Quartermaster's Department, upon application supported by a receipt for the amount paid by him and a copy of the orders under which the journey was performed.

TRANSPORTATION OF BAGGAGE.

1241. In changing station an officer's authorized allowance of baggage will be turned over to a quartermaster for transportation as freight by ordinary freight lines.

1242. The baggage to be transported at public expense, including mess chests and personal baggage, upon change of station will not exceed the following weights:

Rank.	In the field.	Changing station.
	Pounds.	*Pounds.*
Major-general	1,000	3,500
Brigadier-general	700	2,800
Field officer	500	2,400
Captain	200	2,000
First lieutenant	150	1,700
Second lieutenant and veterinarian	150	1,500
Acting assistant surgeon	150	1,200
Post and regimental noncommissioned staff officer, hospital steward, chief musician, sergeant of the Signal Corps, squadron and battalion sergeant-majors, each	.....	500

For officers and others in the above list, when embarking under orders for extended service over the sea and for duty in Alaska, and upon change of station in Alaska and in places beyond the limits of the States composing the Union, as well as upon return to the said States, the allowance of baggage to be transported by the Quartermaster's Department from initial point to port of embarkation and from port of destination to garrison station will be three times the allowance prescribed above for change of station.

The provisions of this paragraph will also extend to officers who are ordered to duty in Alaska or the Island of Guam, and the same transportation allowance will be granted to officers on change of station in Cuba, Porto Rico, the Philippine Islands, Hawaii, Alaska, and Guam, and on return to the United States.

These allowances are in excess of the weights transported free of charge under the regular fares by public carriers. They may be reduced pro rata by the commanding officer, if necessary, and may, in special cases, be increased by the War Department on transports by water. Shipments of officers' allowance of baggage will in all cases be made at carrier's risk, including those over roads where tariffs provide for extra charge therefor. An officer detailed for duty in a foreign country as a military attaché is entitled to transportation of professional books and papers and the number of pounds of personal baggage specified in the above table only.

1243. The Quartermaster's Department will transport the authorized change of station allowance of baggage and professional books and papers for officers or enlisted men upon retirement, or who die in the service, from their last duty stations to such places within the limits of the United States as may be the homes of their families, or as may be designated by their legal representatives or executors.

1244. Transportation of change of station allowance of baggage is authorized for such contract surgeons as may be employed, when they join for duty under the first order, and also on return to their homes on the termination of their contracts, if provided for in the contracts. Graduates of the Military Academy and officers promoted from the ranks will be furnished with transportation for field allowance of baggage on their first assignment to duty as commissioned officers. With these exceptions, transportation of baggage at public expense is not authorized for officers joining for duty on first appointment to military service, nor upon reinstatement or reappointment, nor to effect transfers from one company or regiment to another at the request of parties transferred. Officers ordered on temporary duty are not entitled to such transportation. In lieu of the allowance authorized in paragraph 1242, an officer detailed as attaché is entitled to have his full allowance transported from the post he

leaves to his home, or to the nearest convenient place of storage, and upon resuming duty in this country from such place of storage to his post of duty. While on journeys performed in foreign countries, as an attaché, the cost of transporting his personal baggage can not be paid by the Quartermaster's Department.

1245. The Quartermaster's Department will furnish transportation for the prescribed regimental and company desks, for the books, papers, and instruments of staff officers necessary to the performance of their duties, and for the medical chests of medical officers; also for the professional books, including standard works of fiction, of officers changing station, officers ordered home for retirement, graduates of the Military Academy, and officers joining on first appointment, which they certify belong to them and pertain to their official duties; also the professional books of hospital stewards changing station, not exceeding two hundred pounds in weight. Invoices of packages turned over to the shipping officer will be accompanied by the certificate of the officer as to character of books, and a certified copy will be attached to the bill of lading issued at the initial point of shipment. The certificate as to the character of the books of a hospital steward will be given by the medical officer under whom he last served.

TRANSPORTATION OF SUPPLIES.

1246. Quartermasters will, prior to shipment, securely pack, seal, and weigh all quartermaster's supplies, if practicable.

1247. Quartermasters and agents shipping public property or baggage will mark every package with the name and station of the officer to whom consigned, and will number them consecutively. Packages of quartermaster's supplies should, so far as practicable, bear consecutive numbers, to be preceded or followed by the numbers given to the packages of other classes of property shipped at the same time; but no two packages of the same shipment will bear the same number, except in case of reshipment of packages already numbered. When supplies are shipped in large quantities, and in packages of like dimensions and weight, numbering may be omitted. In cases of reshipment, stores will be re-marked if necessary by the officer required to reship them.

1248. Officers turning over property to a quartermaster for transportation will plainly mark each package with the name and address of consignee, a list of its contents, its weight, and "U. S."

1249. An officer who turns over supplies to another for transportation in the best condition in which it is possible to put them is relieved from any further responsibility therefor by the receipt of the officer to whom they are intrusted for transportation. Should the officer to whom the stores are consigned discover damage or deficiency, he will apply for a board of survey, before which all concerned will be heard in person or by deposition. The board will ascertain and determine the amount and condition of the stores actually delivered to the receiving officer, who will receipt to the officer intrusted with their transportation for the amount and quantity so determined. The latter officer will be held responsible for all damages or deficiency, unless relieved therefrom by the report of the board of survey, duly approved by the reviewing authority.

1250. When a quartermaster receives supplies, transported by a common carrier under agreement with the Quartermaster's Department, which do not correspond to the invoice because of damage or deficiency not attributable to ordinary loss or wastage, the facts will be fully investigated by a board of survey (unless the carrier voluntarily assumes liability for the loss) and the money value of the damage or deficiency will be charged to the party responsible therefor, whether the shipping officer or carrier. The authority which calls the board will, as soon as possible, transmit copies of its proceedings to the forwarding and receiving officers and to the officer authorized to pay the account. In case the responsibility is fixed upon the

carrier, the receiving officer will note on the bill of lading the deductions which should be made for such loss or damage by the quartermaster who pays the account. The latter will make the deduction and refund the amount stopped to the proper department, in the following manner, for example: If from an account of $100 for transportation services there is a deduction of $25 for ordnance stores lost, the quartermaster will take credit under the head "Transportation of the Army" for $75 paid to the carrier, and also for $25 deposited to the credit of the Treasurer of the United States on account of the Ordnance Department; but if the deduction is on account of forage lost by the carrier, he will take credit on his account current, under transportation, for $25 as carried to "Regular Supplies," under which head he will charge himself with that amount.

1251. Transportation by express, when in excess of cost by ordinary freight, must be limited to emergencies, and vouchers in payment must show the emergency and authority for such transportation. Upon application approved by the department commander, a quartermaster may transport public funds by express. In such cases he will receipt only for so many sealed packages said to contain so much public money. When an absent disbursing officer sends his check to the order of the quartermaster, requesting him to express the amount named therein, the latter will receipt for the actual amount to be transported. In case of loss of funds by unavoidable accident, the shipping officer will not be held responsible, and the officer accountable for the funds must seek relief through application to the Court of Claims or to Congress.

TRANSPORTATION FOR OTHER DEPARTMENTS.

1252. The Quartermaster's Department will ship all freight that may be delivered to it, securely packed and properly marked, by any of the Executive Departments or bureaus of the Government. Separate bills of lading will be used and the following notations made thereon: "Payable by the Treasury Department," "the Navy Department," "the Interior Department," "the National Museum," "the United States Fish Commission," etc. When practicable, the bureau to which the freight pertains will be stated, for example: "Payable by the Navy Department, Bureau of Ordnance." Accounts in duplicate, supported by these bills of lading, will be prepared by any quartermaster to whom they may be presented, and will be forwarded to the Quartermaster-General. In making up the accounts the same plan as to deduction on account of land-grant or bond-aided railroads will be pursued as in accounts for transportation of other Government property.

1253. The Quartermaster's Department is authorized to ship (under the regulations governing the transportation of military property, and on the same forms of bills of lading) articles donated to the Medical Museum at Washington, the library and museum of the Military Service Institution at Governors Island, N. Y., or the United States Military Academy at West Point, N. Y. Packages will be marked with the name of the institution, and sent in care of the depot quartermaster at Washington or New York, or the quartermaster at West Point.

1254. Arms, ordnance stores, and quartermaster's supplies, issued to the several States and Territories under the laws for arming and equipping the militia, will be turned over to the Quartermaster's Department for transportation and delivery at the railroad depot or steamboat dock nearest to the point within the State or Territory designated by the governor thereof. Separate bills of lading will be used in shipping this property.

1255. A quartermaster is authorized to transport books and musical instruments purchased for, or donated to, post chapels or to post or company libraries, and gymnastic and athletic appliances purchased with regimental, exchange or company funds, for the use of troops, from the nearest market to the post or station of the troops.

BILLS OF LADING.

1256. Public property will be transported on bills of lading, which will be numbered consecutively in the order of shipment, beginning with the first shipment of each fiscal year. They will consist of two parts, the original and duplicate, each to be certified by the shipping officer and receipted by the carrier.

1257. Bills of lading will be prepared in the name of the carrier, and will show the points between which transportation is required, also places of original departure and ultimate destination of the freight.

1258. Bills of lading will show the number, marks, contents, and weight or measurement of each package or class of packages to be transported, as follows:

Via (the route to be stated, giving the initials of each road, if practicable).

Marks.	No.	No. of packages.	Contents.*	Weight, lbs.
Maj. Geo. Bliss, C. S., U. S. A., Washington, D. C. U. S. property.	1 to 20	20 boxes	Canned corned beef	1,200
	21 to 30	10 do	Dried salmon	1,500
	31 to 35	5 do	Evaporated peaches	300
	36 to 40	5 do	Canned tomatoes	300
Maj. John Bell, Depot Q. M., Washington, D. C. U. S. property.	41 to 45	5 do	Blacksmith's tools	960
	46 to 50	5 do	Carpenter's tools	384
	51	1 do	Mason's tools	236
	52	1 keg	Chains	372
	53 to 55	3 coils	Rope	648
Capt. John Smith, Q. M., U. S. A., Georgetown, D. C. U. S. property.	56 to 60	5 bales	Coats	550
	61 & 62	2 do	Sheets	120
	63 to 65	3 boxes	Hats	200
	66 to 70	5 do	Shoes	500
	71 to 75	5 kegs	Horseshoes	600
	76 & 77	2 do	Horseshoe nails	75
	78 to 80	3 do	Cut nails	360
	81 & 82	2 bundles	Bar iron	200
Lt. Jas. Smith, 1st Inf., Ft. Monroe, Va., Changing station. Private property.	83 & 84	2 boxes	Baggage	800
	85 to 88	4 pkgs	Furniture	900
	89 to 91	3 chests	Prof. books, papers, instruments, etc. (as the case may be).	100
Co. I, 1st Infantry, Co. property. Ft. Myer, Va.	92 & 93	2 boxes	Books	754
	94	1 do	Field desk	100
	95 & 96	2 do	Band instruments	326
Com'd'g. Officer, Rock Island Arsenal from Capt. John A. Robinson, 7th Inf.	97	1 do	Bayonet scabbards and belts	160
			Total	11,645

*The contents should be shown in sufficient detail to enable the Quartermaster's Department to recover in case of loss, as well as to know in all cases what was actually transported.

1259. In the transportation of baggage with officers or troops, the bill of lading should show plainly whether the whole weight specified in the bill is to be paid for by the United States, or whether a deduction is to be made for the number of pounds allowed each passenger by the carrier. In the latter case, if the actual number of pounds to be deducted is not known, the number of persons receiving transportation will be stated.

1260. Personal baggage of officers will not be shipped on Government bill of lading, except such quantity as is transported at Government expense in change of station, unless transportation by wagon or other conveyance owned by the United States is furnished.

1261. In transporting by rail, the number of animals, number and weight of packages, number of feet of lumber or pieces of timber and dimensions will be expressed in the bill of lading in figures as well as number of carloads; and when

transportation is to be paid for by weight, the number of pounds will be stated. In shipments by water at cubic measurement, the same rules as to number, weight, and measurement will be observed. The officer receiving the property in certifying to its correctness will write out the weight in words and figures.

1262. Erasures, interlineations, or alterations in bills of lading must be explained thereon by the issuing or other competent officer over his signature.

1263. In no case will a second original or duplicate bill of lading or a copy of a bill of lading be issued to the carrier for any shipment, nor will a bill of lading be issued after the transportation service has been performed.

1264. The rate of transportation charges and the initial letters of each road by which the supplies are to be transmitted will be inserted in the bill of lading.

1265. The original bill of lading will be given to the carrier at the time the shipment is made, and upon the delivery of the property in good order and condition will be receipted by the consignee and returned to the carrier with such further indorsement as may be necessary to insure settlement. The duplicate will be promptly transmitted by the shipping officer to the consignee, and upon delivery of the property will be receipted in like manner as the original and forwarded to the paying officer. If the shipping officer is not the paying officer, he will be notified by letter of the receipt of the supplies and their condition when received.

1266. Bills of lading will be made payable by the chief quartermaster of the department in which the supplies are to be delivered, unless some other officer has been designated to pay them.

1267. Bills of lading issued for supplies to be forwarded by conveyance owned or leased by the Government will show that no payment is to be made for the service.

1268. Transportation should be provided to ultimate destination and on through bills of lading when practicable. When not practicable, or when through or special rates can not be secured, transportation will be furnished to the most convenient point for forwarding to ultimate destination or to the farthest point to which through or special rates can be obtained.

1269. In transportation of public stores over a line of roads, one of which is land grant and subject to deduction of rates, or is not entitled to payment for transporting such stores, separate bills of lading, stating that it is land grant, may be issued to it if requested.

1270. Bills of lading will not be issued so as to include service beyond the termination of any road owned, leased, controlled, or operated by a bond-aided railroad company. When such service is required, separate bills of lading will be issued, but none to include service over more than one bond-aided road with its leased lines and branches; the issue of separate bills for through transportation is for the convenience of railroads only in settling their accounts, and will not commit the United States to the payment of local rates for any portion of the through transportation. Such bills will indicate the point of original departure and ultimate destination of the freight transported.

1271. In the absence of the consignee or on his failure to receipt, the officer receipting will certify that he is duly authorized to do so, and why the consignee does not receipt. Clerks and agents are not authorized to receipt bills of lading unless the stores are consigned to them or to their care.

1272. In case of loss or damage to property while in possession of the carrier, the bills of lading will not be receipted until such loss or damage is decided upon and the responsibility therefor fixed, except that when the loss or damage has been ascertained and the responsibility fixed without the action of a board, the bill may be receipted and an indorsement made thereon stating the kind of property lost or

damaged, its weight or measurement, its full value including cost of transportation, and the name of the company or party responsible therefor. When a receipted bill of lading is demanded by the carrier, it may be receipted by the receiving officer after noting thereon the loss or damage which is apparent, and adding that final settlement will await the action of a board of survey. All the indorsements of the receiving officer on the original bill of lading will be put upon the duplicate.

1273. Payment will be made on the original bill of lading properly receipted and accomplished, but not until the duplicate has been received by the paying officer, except as provided in the following paragraph.

1274. In case of loss or destruction of one part of the bill of lading, the paying officer, after satisfying himself of the fact, will report it to the Quartermaster-General with recommendation as to payment.

1275. In case both parts of the bill of lading have been lost or destroyed, the shipping officer, upon the application of either the carrier, the consignee, or the paying officer, will issue a certificate in duplicate in the prescribed form. This certificate may be given by the officer in charge of the records of the post or depot, although he may not have made the shipment. Entry should be made in the shipping book of the loss of both parts of the bill of lading, and of the fact that the certificate has been issued. The certificate will be forwarded to the consignee, who will indorse thereon his certificate as to the receipt of the property and its condition. If a board of survey has acted on the shipment, he will attach a copy of the proceedings to the certificate.

1276. A shipping officer will give his certificate only when necessary to enable the carrier to receive payment, and not until he has satisfied himself, by correspondence with the officer to whom the stores were shipped and the officer designated to make payment, that neither part is in their possession. He will also require the affidavit of the carrier, stating that neither part of the bill of lading is in his possession nor can be traced by him, and if subsequently found that he will make no demand thereon, but will at once surrender it to the United States. Upon this evidence, and with the authority of the Quartermaster-General, payment may be made for the service. In case either or both parts of the bill of lading should subsequently be recovered by the shipping officer, he will note the fact in the shipping book and forward the same to the Quartermaster-General.

1277. Officers will satisfy themselves of the loss of the original bill of lading before they surrender the duplicate to the carrier. If lost while in the possession of an officer, his certificate will be sufficient.

1278. In case of the loss of a bill of lading while stores are in transit, railroad companies are requested to forward them to destination, taking such receipts as they may deem necessary to show delivery to connecting lines. They will present these receipts instead of the bill of lading to the disbursing quartermaster, who, after having satisfied himself of their correctness, will make payment as directed in paragraph 1281.

1279. Payment in case of loss of either or both parts of a bill of lading will be promptly reported to the Quartermaster-General by the disbursing officer, who will give description of bill of lading, or certificate, and voucher on which payment is made.

1280. To insure prompt delivery of stores in the absence of both parts of the bill of lading, the consignee may give to the carrier a receipt for the stores actually delivered, which will state that it is given because the bill of lading has not come to hand. The receipt will be recovered and destroyed by the officer who issued it, on the recovery of the bills of lading, or when the certificate provided for in paragraph 1275 shall have been given.

1281. Payment for transportation will be made to the last carrier, unless otherwise provided in the bill of lading, and only for the quantity of stores delivered at destination, except that in case of loss of weight from natural shrinkage en route, the weight shipped, as shown in bill of lading, will be paid for, provided the packages are delivered intact. The payee will be held responsible for all loss or damage to stores while in transit (unless relieved by a board of survey), and such loss or damage will be deducted in making settlement for the service.

1282. Officers in settling accounts for transportation, or forwarding them to the Quartermaster-General for settlement, will obtain from the companies or lines employed authentic and official lists of tariffs in force at date of service, and will attach to the first account so settled or forwarded two copies thereof (one for the use of that office and one for the Treasury), and thereafter, as each account is settled or forwarded, will refer to said lists as long as they are in force. When current rates are charged, a certificate of the proper agent of the line or company performing the service should be appended to the account, setting forth that such rates were the current and lowest rates charged the public at the time the service was rendered. When charges such as drayage, wharfage, tolls, etc., are made as part of an account, they will be fully and separately set forth in the voucher.

1283. When public tariffs do not include the specific articles shipped, the rates and classification of articles analogous thereto will govern. If articles analogous can not be found in the tariff lists, the companies will be requested to classify the articles transported.

LAND-GRANT AND BOND-AIDED RAILROADS.

1284. General orders will be issued containing full information as to land-grant and bond-aided railroads, and directing the mode of stating and rendering accounts of such roads for military transportation.

1285. Quartermasters will be designated to receive and prepare the accounts of these railroad companies.

CLOTHING AND EQUIPAGE.

1286. A table showing the price of clothing and equipage for the Army, the allowance of clothing in kind to each soldier for each year of his enlistment, and his clothing money allowance for each year and day thereof, also the allowance of equipage to officers and enlisted men, will be published in orders.

1287. Estimates of clothing and equipage will be made quarterly as follows: On January 1 for a supply to last until June 30; on April 1, until September 30; on July 1, until December 31; on October 1, until March 31. Each company or detachment commander will prepare these estimates on the prescribed form and forward one copy to the post commander at the beginning of the period for which the estimate is made. They will be based on the authorized strength of the command and will show the quantities and sizes of the articles required and of those on hand.

1288. The post commander, after careful revision of these estimates, will cause the quartermaster to consolidate them and add such articles as may be needed for post purposes for the same period. Company or detachment estimates will be retained in the office of the quartermaster for the information and guidance of those concerned.

1289. The quartermaster will forward, through the regular channel, two copies of the consolidated post estimates to the chief quartermaster of the department, accompanied by a statement showing the articles of clothing (specifying sizes), equipage, and materials on hand at the post in excess of the requirements of the service for the period covered by the estimate. Chief quartermasters will report to the Quartermaster-General any unnecessary accumulation of clothing or equipage at a post.

1290. After revision and approval of the post estimates at department head quarters, the chief quartermaster will forward the same so as to reach the Quartermaster-General's Office not later than February 1, May 1, August 1, and November 1, respectively.

1291. If at the time estimates are prepared it be known that any of the troops are to change station, their estimates will not be included in the post estimates, but will be forwarded separately. The new station to which the supplies should be sent will be stated.

1292. Should the quantity of clothing and equipage supplied upon the periodical estimates prove inadequate, a special estimate in duplicate, giving reasons therefor, should be made and forwarded through proper channels to the Quartermaster-General.

1293. Officers of the recruiting service will, prior to the beginning of each quarter, forward estimates for a three months' supply of clothing and equipage for their respective stations to the Adjutant-General of the Army, who, after revision, will transmit them to the Quartermaster-General. These estimates, which will be restricted to the smallest quantity absolutely necessary to the comfort of the men composing their detachments, will be made in duplicate and will be accompanied by a list of such articles as may be on hand and not required for use during the period estimated for.

1294. Clothing and equipage required by the engineer battalions, ordnance detachments and detachments of the Signal Corps will be estimated for at the dates and for the periods indicated in paragraph 1287. The estimates will be made in duplicate and forwarded to the chiefs of the respective corps, who, after revision, will transmit them to the Quartermaster-General.

1295. After the clothing and equipage are received at a post, the quartermaster will make issues in such quantities and at such times as the company or detachment commanders may require and as may be approved by the post commander. No issues of garments of larger sizes than are actually needed will be made for the purpose of altering them into smaller sizes.

1296. All officers making estimates or requisitions for clothing and equipage will conform to regulations and orders fixing allowances. The following tables show the proportion of sizes to each hundred of the articles:

Articles.	Sizes and proportions of each.					Total.
	6¾	6⅞	7	7⅛	7¼	7⅜	
Helmets	6	21	31	26	12	4	100
Campaign hats	6	21	31	26	12	4	100
Forage caps	6	21	31	26	12	4	100
Canvas caps	6	21	31	26	12	4	100

Articles.	Sizes and proportions of each.												Total.
	1	2	3	4	5	6	7	8	9	10	11	12	
Boots	....	....	....	....	3	11	31	33	16	4	2	....	100
Shoes	....	....	....	....	3	11	31	33	16	4	2	....	100
Uniform dress coats	10	25	30	25	6	4	....	....	....	....	....	....	100
Overcoats	10	25	30	25	6	4	....	....	....	....	....	....	100
Blouses	10	25	30	25	6	4	....	....	....	....	....	....	100
Canvas fatigue coats	10	20	30	20	15	5	....	....	....	....	....	....	100
Stable frocks	15	45	30	10	....	....	....	....	....	....	....	....	100
Undershirts, knit	8	36	38	15	3	....	....	....	....	....	....	....	100
Overshirts, dark-blue flannel	8	36	38	15	3	....	....	....	....	....	....	....	100
Trousers, kersey	5	5	15	15	10	5	10	5	10	10	5	5	100
Trousers, summer	10	20	30	20	15	5	....	....	....	....	....	....	100
Trousers, canvas, fatigue	10	20	30	20	15	5	....	....	....	....	....	....	100
Drawers, canton flannel	15	25	35	20	5	....	....	....	....	....	....	....	100
Canvas mittens	25	45	30	....	....	....	....	....	....	....	....	....	100
Fur gauntlets	....	....	....	....	....	....	....	....	30	50	20	....	100

The sizes furnished require very little, if any, alteration, and estimates should be made as near the exact requirements of the men as possible.

1297. Should any of the sizes of clothing specified in the foregoing paragraph prove inadequate, measurements stated upon prescribed blanks will be forwarded with the estimate for the garments. A certificate that the enlisted man for whom such clothing is intended can not be fitted with the sizes of clothing furnished should accompany each requisition. Additional cost of manufacture, as given in annual price list, will be charged in each case.

1298. Unmade uniform coats, blouses, and trousers will be supplied for issue in special cases to enlisted men at cost of materials. They will be obtained from the Quartermaster's Department in the same manner as other articles of clothing, and it is made the duty of commanding officers to see that this clothing, when made, conforms strictly to standard patterns. The materials for each coat, blouse, or pair of trousers, with the buttons, thread, needles, and all necessary trimmings, will be rolled in a bundle, which will be securely fastened and marked with the size of the garment.

1299. When unmade articles of clothing received by officers at military posts are found to be incomplete but otherwise in good condition, they will not be submitted to an inspector for condemnation, but will be turned over to the nearest manufacturing depot to be completed; or a requisition for the missing parts may be made.

1300. The clothing estimated for by each company or detachment commander should, as a rule, be held subject to its wants, but in case of need it may be otherwise issued, and the quartermaster will then call for a sufficient quantity to replace it if necessary.

1301. When clothing is required a schedule enumerating the articles needed by each man and the money value of each article will be prepared by the company or detachment commander on the prescribed form. This schedule, approved by the commanding officer, will be sent to the quartermaster and when the clothing is ready for issue the commander of the organization will be notified. Issues will be made by the quartermaster in the presence of the commander of the organization or other commissioned officer representing him, who will witness the signatures of the soldiers upon the schedule, and this will be returned to the commander of the organization with the certificate of the quartermaster that the articles specified have all been issued.

The number of each article and the total value of all the articles issued to each organization will be entered by the quartermaster upon duplicate abstracts of issues.

The aggregate money value of all the articles issued must agree exactly with the aggregate value of issues to individuals, and the witnessing officer will make this verification of the accuracy of the schedule before certifying to the correctness of the entries upon the abstract.

The commander of the organization will certify on each copy of the abstract that the money value of the issue to each man has been entered in the clothing book and the witnessing officer will certify that the issues were made as stated in the schedule and abstract. If the commander be also the witnessing officer, he will sign both certificates. These entries in the clothing book, with date of issue and name of quartermaster, will be attested by the witnessing officer. The abstract certified as required above, signed by the quartermaster and approved by the commanding officer, will be the voucher for dropping clothing from the return.

1302. At ungarrisoned or isolated stations where it is impracticable to have the issue witnessed as required by paragraph 1301, the unwitnessed receipts of men for clothing issued to them will be vouchers to the returns of the issuing officer accompanied by his certificate that he has charged on their clothing accounts the money value of the articles issued or has notified the proper officer to make such charge.

1303. Each soldier's clothing account will he kept by the company or detachment commander in the company clothing book. The account will show the money value of the clothing received by the soldier at each issue, and his receipt therefor will be taken in the book.

1304. Company and detachment commanders will settle the clothing account of every enlisted man of their respective commands six months after the date of his enlistment, and thereafter on June 30 and December 31 of each year. The entire amount found due the United States for the periods embracing the dates of settlement will be charged to the soldier upon the pay rolls. The money allowance of clothing for the first year will be allotted by half years.

1305. The balance due the soldier at either of these dates will be credited to him upon the company clothing book. It will not be placed upon the pay rolls, but the final balance due at date of discharge will be entered upon his final statements. In case of transfer, the balance due the soldier or the United States will be entered on the descriptive list. All balances of this character will be stated in words and figures.

1306. The clothing account of a soldier who deserts should be settled in full to the date of desertion. The balance due him, or the United States, will be entered on the next pay rolls after date of desertion. The amount due the United States or the soldier at date of desertion should be ascertained by crediting the soldier with clothing allowance from date of last clothing settlement to the date of desertion (excluding the day of desertion) and debiting him with the money value of all clothing drawn by him; the difference between the two amounts will be the amount due the United States or the soldier.

1307. A deserter is entitled to clothing allowance from the date he surrenders or is apprehended, and the amount due him will be computed from the tables then and subsequently in force. A new clothing account will be opened without reference to his account at date of desertion.

1308. Clothing drawn in excess of allowance by soldiers discharged without honor will be taken up again on the returns of the quartermaster of the post at which the soldier may be serving, and if new will be reissued; otherwise it will be transferred to the nearest clothing depot for use of general prisoners, unless the particular post may be the one at which prisoners are confined, in which case the clothing will be allowed to remain for use of such prisoners.

1309. Clothing allowance accruing to a soldier after return to the service from desertion will not be used to reduce the amount of the soldier's indebtedness at date of desertion; the full amount of the soldier's indebtedness must be charged on the roll, to be deducted by the paymaster when he settles the soldier's account.

1310. Whenever the necessity for the issue is certified by the department commander, arctic overshoes, according to pattern in the office of the Quartermaster-General, will be supplied to troops. They will be charged to the enlisted men, but do not form part of the annual money allowance for clothing.

1311. Leggins for all troops, of brown cotton duck, according to patterns in the office of the Quartermaster-General, to be worn on marches and campaigns, will be charged to the enlisted men, but do not form part of the annual money allowance for clothing.

1312. Articles of band uniforms, including music pouches, that do not form part of the annual clothing allowance may be issued, but not charged except in case of loss or damage. The articles thus issued without charge remain the property of the United States.

1313. Canvas mittens and blanket-lined canvas caps conforming to patterns in the office of the Quartermaster-General will be supplied to troops serving in extremely

cold regions and to troops stationed at West Point, upon the approval of the department commander or the head of the staff department or corps, as the case may be, at the rate of one pair of mittens and one cap per man per annum. The voucher will show that this issue is gratuitous and made within the above allowance. Issues in excess of such allowance will be charged to the men at regulation prices. In case of loss or destruction of any of said articles of gratuitous issue without fault or neglect on the part of the soldier to whom they have been intrusted, and so certified to by the immediate commanding officer, then the article or articles so lost or destroyed may be replaced without charge to the soldier.

1314. Whenever the necessity for the issue is certified by the post commander, fur gauntlets and caps, and woolen mittens, conforming to patterns in the office of the Quartermaster-General, will be issued at cost prices at the rate of one pair of gauntlets and mittens, and one cap to each enlisted man per annum. These articles do not form part of the annual money allowance for clothing.

1315. There will also be issued to troops stationed in extremely cold regions, when the necessity for such issue is certified by the post commander, fur or blanket-lined canvas overcoats, but only to men performing guard duty or field service, when exposure to weather would jeopardize life or limbs by freezing. The coats should be borne on the returns as equipage and charged to enlisted men only in case of loss or damage other than from ordinary wear and tear. If made of fur they will on the approach of warm weather be turned over to the quartermaster, who will observe the following directions for their preservation:

1. Expose them to the sun and then beat them with a light twig or rattan, making sure that all moth eggs, should any have been deposited, are destroyed. The exposure should be thorough and the beating vigorous, but not severe enough to injure the fur or pelt.

2. Repair coats needing it (using for the purpose, as far as practicable, such articles of a corresponding character as can not again be rendered serviceable) and then pack in boxes well lined with petroleum and wrapping paper (the latter being next the goods), exercising care that no holes or other openings are left in the wrappers for moths to enter. Securely nail the boxes and paste paper over all joints. Sufficient petroleum paper may usually be obtained from broken packages of clothing opened for issue, and, should it dry from age or use, it can be freshened by rubbing into the surface coal oil, being careful not to use enough to penetrate the wrapping paper.

1316. The Quartermaster's Department is authorized to pay from the appropriation for clothing and equipage a sum not exceeding $1.50 for the laundry work of each recruit at rendezvous and stations who has no funds of his own. The expenditure will be charged on the clothing account of the recruit and so noted on his descriptive and assignment card.

1317. Commanding officers may order necessary issues of clothing to military prisoners who have no clothing allowance, from deserters' or other damaged clothing when there is such in store, or from clothing specially provided for the purpose. The receipt of the officer in charge of the prisoners will be the quartermaster's voucher for such issue.

1318. The issue to general prisoners employed at outdoor labor in severe weather at military posts, of such overcoats, overshoes, woolen mittens, and flannel shirts as, in the judgment of the department commander, may be necessary to prevent suffering, is authorized.

1319. Gratuitous issues of clothing may be made, under the provisions of section 1298, Revised Statutes, to replace articles destroyed to prevent the spread of contagious diseases, upon the certificate of an officer that the clothing was so destroyed upon the recommendation of the medical officer named.

1320. Should it become necessary to issue new clothing for use in the burial of a deceased soldier, as in the case of a man who dies away from his proper command and under circumstances rendering such issues imperatively necessary, the expense of the issue will be borne by the United States, and the clothing will be dropped from the returns of the issuing officer on the orders of the commanding officer, which must recite the necessity for the issue.

1321. Officers may purchase from the Quartermaster's Department such articles of uniform clothing, clothing materials, and equipage as they need, provided the property is availabe. They will certify that the articles are for their personal use.

1322. Officers' servants will not be permitted to wear clothing intended for troops, except underclothing and shoes, which may be purchased in limited quantities, if available, upon the officer's certificate that they can not be otherwise obtained.

1323. Quartermasters are authorized to drop from their returns tent pins and ax, pickax and hatchet helves, upon officers' certificates that the articles have been worn-out in service.

1324. Estimates for tableware and kitchen utensils will be made quarterly on the dates and to cover periods named in paragraph 1287. They will be limited to such articles as, with those on hand at the time an estimate is submitted, shall not exceed in kind and quantity the mess outfit as announced in the general orders prescribed in paragraph 315. Special estimates may be made when necessary to meet emergencies, and in such cases the circumstances constituting the emergencies will be stated.

1325. Commanding officers of posts and of all organizations supplied with tableware and kitchen utensils will exercise a rigid supervision and economy in the care and preservation of all such articles, and any damaged, broken, destroyed, or lost through the carelessness of enlisted men will be charged against their pay, as explained in paragraph 767, and a "statement of charges" on the prescribed form will be filed as a voucher with the return from which the articles are dropped. Loss through breakage of china and glassware, not due to carelessness, may be replaced at public expense on proper requisition, provided it does not exceed 20 per cent per annum, or 5 per cent per quarter, of the total value of china and glassware to which the mess is entitled (value to be determined by the prices given in the annual price list), and the articles so replaced will be destroyed and dropped from returns in the manner prescribed in paragraph 1323. Any excess of breakage will be replaced only under extraordinary circumstances, or when values have been charged as above provided, and requisitions calling for such excess must show clearly the circumstances or the fact that charge has been made. Estimates calling for articles other than china and glassware must show the necessity for them, and if to replace articles lost or stolen, must be accompanied by the proceedings of a board of survey, unless values have been charged as hereinbefore directed.

1326. There will be furnished by the Quartermaster's Department to all duly authorized bands of the Army the following-named musical instruments, viz: Db piccolo, terz and concert flutes, Eb and Bb cornets, Eb trumpets, Eb and Bb clarionets, Eb altos, Bb trombones (valve or slide), Bb baritones, Eb, Bb, and BBb bassos, bass and snare drums, cymbals, triangles, music stands, and extra parts for the repair of the instruments; also batons with suitable cords and tassels for use of drum majors of all dismounted bands. Mounted bands may be supplied with a pair of kettledrums in lieu of the bass and tenor drums, cymbals, and triangles, and also with altos, trombones, and bassos of helicon shape. A flugelhorn may be furnished in lieu of the Eb trumpet, a euphonium in lieu of one alto, one Eb alto saxophone, and one Eb baritone saxophone in lieu of two cornets; but under no circumstances

will more than a complete instrumentation for 28 musicians be supplied. In making requisition for band instruments a statement showing the number and kind on hand and their condition should accompany the same. All the property specified will be accounted for by the quartermaster of the regiment. When any instrument has become unserviceable, it will be submitted to a board of survey. A copy of the proceedings of the board will be forwarded to the Quartermaster-General with a view of having the instrument repaired, if practicable, or otherwise disposed of. When an instrument needs minor repairs, involving only a slight expense, and the work can be done in a workmanlike manner in the vicinity of the post, it will not be necessary to submit the instrument to a board of survey. Such repair may be secured upon the written order of the commanding officer, but a report of the nature of the work and cost involved will be made to the Quartermaster-General through proper military channels.

1327. There will be furnished by the Quartermaster's Department to each field battery two small brass Bb bugles. To every other company two G trumpets with F slides, and, if desired, detachable F crooks. Foot troops may use the drums and fifes in lieu thereof, if desired by regimental commanders. Whistles will be furnished for such sergeants, corporals, or musicians as are required to use them. The foregoing articles will conform to patterns in the office of the Quartermaster-General, and will be accounted for as equipage.

1328. The allowance of corn brooms and scrubbing brushes will be as follows:

For each organization having an authorized maximum strength of 150 enlisted men or over, nine brooms and six brushes per month.

For each organization having an authorized maximum strength of 100 enlisted men, more or less, six brooms and four brushes per month.

Two brooms and one brush per month to each regimental band.

Three brooms and two brushes per annum for each noncommissioned staff officer, including those of posts, regiments, squadrons, battalions, and the Artillery Corps.

Six brushes per annum to each post bakery.

They will habitually be drawn quarterly, but may be drawn when needed. If less than the maximum allowance is drawn in one quarter, credit can not be given in another.

1329. Post commanders may, when necessary, order the issue of six brooms per annum to each public office and building furnished by the Quartermaster's Department, as follows: Post commander's and quartermaster's offices, quartermaster's warehouse, post bakery, school, chapel, and library. The necessity for, and the fact of issue, must in all cases be certified by the officer in charge of the office or building, and verified by the post commander.

1330. The use of serviceable tents or other canvas for any other purpose than that for which such articles are furnished is prohibited, except in cases of emergency when necessary to protect public property. When troops are not engaged in active service, all tentage (except shelter tents), all tent stoves and stovepipe will habitually be kept in storage by the quartermaster.

TELEGRAPHING.

1331. The telegraph will be used only in cases of urgent and imperative necessity, in which the delay consequent upon transmission by mail would be prejudicial to the public interests. In cable dispatches only such words will be sent as are necessary to a clear understanding of their contents.

1332. The War Department Telegraphic Code will be accounted for on the post return and transferred upon change of post commanders. The post commander is

required to retain the code in his custody, and is responsible for the key and its proper use. Department commanders, from time to time, and particularly when post commanders are changed, will make use of the code. When military necessity causes it to be destroyed, it should be burned leaf by leaf.

1333. Accounts for telegrams on military business prepared on the prescribed form in the name of the telegraph company rendering the service and accompanied by the original telegrams, in the case of telegrams sent checked "paid," and in the case of telegrams received checked "collect," by the impression copies thereof, will be paid by the Quartermaster's Department, with the following exceptions:

1. Accounts for reimbursement of amounts paid by officers for telegraphic service, which will be prepared upon prescribed forms.

2. Accounts for telegrams on public business of a confidential nature when in the opinion of the officer receiving or sending them it is improper that copies should accompany the accounts, or where copies can not be procured. When it is questionable whether the telegrams are on official business or that the telegraph should have been used, such accounts will be accompanied by full explanations from the officer who sends or receives the telegrams.

The accounts excepted in this paragraph will be forwarded to the Quartermaster-General for settlement.

In settling accounts for telegrams which pass over the lines of more than one company (bond aided excepted), payment may be made on the original telegram to the initial company for the entire service.

1334. Telegrams making application for leave of absence or extension of leave, or of inquiry whether leave has been granted, and the replies made thereto by telegraph, will not be sent or paid for as public dispatches.

1335. In framing telegrams all words not important to the sense will be omitted. The last name of the officer addressed, or his title, and the last name of the sender are generally sufficient.

1336. In counting the words of telegraphic messages the following rules will be observed: Names of cities and places, when used to designate such cities or places, and words properly connected by a hyphen, will be counted as one word. Numerals will be expressed in words, and will not be counted as hyphened words. Names of places and persons when given to things will be counted according to the number of distinct words in each. Names such as Van Vliet or St. Nicholas will be counted as one word. All words contained in an official telegram will be counted, including name and title of party addressed and of the sender, but excluding the name of the place from which sent, date, and the words "official business," which should appear on each telegram.

1337. Except in cases of loss or destruction of original messages, where satisfactory evidence is submitted showing that payment has not already been made and no charge will hereafter be made, no settlement will be made with the telegraph office from which a telegram is sent unless the original telegram is marked or checked "paid," and no settlement will be made with the telegraph office at which a telegram is received unless the telegram received is marked or checked "collect."

1338. In each territorial department a quartermaster will be assigned by the department commander to the duty of adjusting and settling telegraph accounts under the instructions of the Quartermaster-General.

1339. Blank forms for official telegrams will be furnished by the Quartermaster-General for the use of all persons in the military service.

1340. Nothing is required of officers sending telegrams beyond the delivery of the message to the company. The proper quartermaster will receive from telegraph companies their accounts, with proofs of service (which should be original telegrams whenever practicable), and will prepare and certify vouchers for the same and pay

them, or forward them for settlement as is required in paragraph 1333. Information desired by telegraph companies in regard to military business will be obtained from the Quartermaster's Department.

1341. When telegrams are sent "collect" by private individuals, the nature of the telegrams should govern the action of the disbursing quartermaster. If strictly on Government business, payment will be made by the United States.

TELEPHONING.

1342. Where telephoning is practicable, accounts for the same may be paid from the appropriation for the payment of telegraphic service.

RECORDS.

1343. The following books will be kept in the office of every quartermaster:

1. A cash book, in which will be entered, according to appropriations, all accounts received and disbursed, the date thereof, from whom received or to whom paid, and on what account.

2. A book of letters received, including a record of indorsements.

3. A press-copy book, in which all correspondence pertaining to the office, including estimates of funds and requisitions for quartermaster's supplies, will be copied and indexed.

4. A record book of barracks and quarters, kept as directed in paragraph 1084.

5. A descriptive book of public animals, kept as directed in paragraph 1147.

6. A record of interments (in case of station at a post), kept as indicated in paragraph 576.

7. A press-copy book of stores and property shipped, in which all bills of lading issued will be copied.

8. A book of stores and property received, kept as provided in the directions therewith.

1344. The required books will be supplied by the Quartermaster-General. They will not be removed from the office except on its discontinuance, when they will be disposed of as directed in paragraph 891. Commanding officers and inspectors will see that they are neatly kept and contain complete and correct records of all matters which should be recorded therein. Commanding officers will also see that they are properly transferred.

1345. All letters received, and copies of all orders for the expenditure of money or property, will remain on file as part of the records of the office. When it is necessary to withdraw a letter for file with the officer's accounts, a duly certified copy will be made to replace it in the office file. Letters pertaining exclusively to the settlement of an officer's accounts belong to him and not to the office files.

RETURNS AND REPORTS.

1346. All property purchased with funds appropriated by Congress for carrying on the operations of the Quartermaster's Department, and all property supplied for the use of the Army through that Department, will be denominated "quartermaster's supplies," and returns for the same will be rendered to the Quartermaster-General quarterly and when the accountable officer is relieved from duty.

1347. All quartermaster's supplies accounted for by an officer will be entered upon one return.

1348. The following returns and reports will be made and disposed of by quartermasters as indicated by the notes on the forms furnished by the Quartermaster-General:

1. Report of persons and articles employed and hired, to be rendered monthly, direct to the Quartermaster-General, within ten days after the expiration of the

month. This report will contain a complete record of all services rendered the Quartermaster's Department during the month to which it pertains.

2. Monthly report of all bills of lading and transportation requests issued, except those issued for transportation by conveyances owned or chartered by the United States.

3. Transfer list of persons and articles employed and hired.

4. Report of enlisted men employed on extra duty, rendered monthly, within ten days after the expiration of the month. A copy of the order placing an enlisted man on extra duty, or relieving him therefrom, will accompany the report for the month during which he was so detailed or relieved. The report will also show in the column of remarks the particular duty upon which each man was employed, and whether services were rendered on other than working days.

5. Statement of outstanding debts, rendered monthly, in time to reach the chief quartermaster of the department on the last day of the month to which it pertains.

1349. Quarterly returns of quartermaster's supplies will be made in duplicate—one copy, with abstracts (except of articles purchased) and vouchers, will be forwarded to the Quartermaster-General within twenty days after the expiration of the quarter to which it pertains; the other retained by the officer. The abstract of articles purchased will be rendered monthly and forwarded with money accounts.

1350. When one quartermaster relieves another, the latter will not enter the receipt for quartermaster's supplies upon the abstract, but directly on the return as "Transferred to successor." The receiving officer will enter the invoice upon the returns as "On hand at the post; received from predecessor."

ARTICLE LXXIX.

THE SUBSISTENCE DEPARTMENT.[1]

GENERAL DUTIES.

1351. The Subsistence Department, under the direction of the Secretary of War, provides for the distribution and expenditure of funds appropriated for subsisting enlisted men and for purchasing articles kept for sale to officers and enlisted men. The Commissary-General furnishes lists of articles authorized to be kept for sale, and gives instructions for procuring, distributing, issuing, selling, and accounting for all subsistence supplies.

COMMISSARIES.

1352. Purchasing commissaries make purchases of supplies in accordance with Article LV, and distribute them as directed. Upon direct calls of chief commissaries they transfer to commissaries of posts and stations such funds from the appropriation "Subsistence of the Army" and such authorized subsistence supplies as chief commissaries, under instructions from department commanders, deem necessary.

1353. A chief commissary will make calls upon purchasing commissaries designated by the Commissary-General for funds and supplies for posts and stations supervised by him, and under instructions from the Commissary-General will furnish funds and supplies to posts within his department which are exempted from the supervision of the department commander. He will keep a commissary book for each post and station, and decide whether the quantities of articles called for on requisitions should be allowed, increased, or diminished.

[1] Regulations for the government of the Subsistence Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Commissary-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

1354. Commissaries will make timely estimates and requisitions, approved by their commanding officers, for funds and supplies for the troops with which they serve, and forward them, through military channels, to the chief commissaries. If any of the supplies can be obtained advantageously in the vicinity of the places where needed, the fact will be noted in detail on the requisitions by the commissaries.

SUBSISTENCE SUPPLIES IN BULK.

1355. Subsistence supplies comprise—

1. Subsistence stores, consisting of articles composing the ration and those furnished for sale to officers and enlisted men, also lantern candles for stable use, forage for beef cattle, and coarse salt for public animals and rebrining.

2. Subsistence property, consisting of the necessary means for handling, preserving, issuing, selling, and accounting for these stores.

1356. The commanding officer of a post will require an inventory of subsistence stores on hand to be made by the commissary in person during the last week of each month. If it is not practicable for the commissary to take the inventory within the time mentioned, he will apply to the commanding officer for the detail of an officer to take it, who will certify, on the statement of gains and wastage, the fact of detail and the date on which he took the inventory; the commissary will certify to amounts of gains and wastage. When such inventory indicates that stores are on hand in excess of the balances shown by the return, the excess will be taken up under the heading "Gains." Deficiencies (as restricted by paragraph 1368) will be entered under the heading "Wastage." Statements of gains and wastage will be examined and approved by the commanding officer.

The presence of a commissary sergeant at a post does not in any manner relieve the commissary from responsibility for the care of subsistence supplies. Commanding officers of posts, according to their responsibilities and duties as fixed and prescribed by paragraphs 740 and R. 832 of these regulations, are to carefully supervise the duties of commissaries at their respective posts and not to permit them to devolve their duties in any degree upon the commissary sergeants. In cases of losses and embezzlements of subsistence stores or property, boards of survey, in their proceedings and recommendations, are to be guided by the requirements of paragraph.

1357. Stores longest on hand, if in fit condition, will be first issued, sold, or shipped.

1358. An officer having on hand equivalent parts of the ration (such as pork, bacon, and salt beef; or flour, hard bread, and corn meal; or beans, pease, rice, and hominy) will keep informed as to the number of rations of each available, and determine in what relative proportion each should be issued, and will request his commanding officer to direct such issues as are for the interests of the service.

1359. When articles of food in good condition furnished for sale have accumulated at a post, and will become damaged if kept on hand solely for sale, the excess may be issued to troops in lieu of parts of the ration of equal money value. In case of articles which are equivalents of some of the components of the ration, issues may be made at the rates prescribed for the components. No stores thus issued are to be bought by the commissary as savings.

1360. When canned beef or canned baked beans accumulate at a post in excess of anticipated demands for travel rations or for sale, they may, to prevent loss by deterioration, be issued, upon the order of the commanding officer, at the rates prescribed for those articles when issued as parts of the travel ration.

1361. Subsistence supplies in good condition, but not required for use, will be disposed of under the direction of the Commissary-General. In urgent cases, such

as sudden abandonment of a post, liability to rapid deterioration, etc., they may be sold, or otherwise properly disposed of, on the recommendation of an inspecting officer approved by a commanding general.

1362. Empty barrels and boxes, hides, tallow, and other like property not required for public use, the disposal of which is not otherwise provided for, will be carefully preserved and sold as may be convenient.

1363. Subsistence supplies will not be transferred gratuitously to another staff department, nor obtained, issued, sold, or otherwise disposed of, except as authorized by regulations.

TRANSFERS IN BULK.

1364. When subsistence supplies are to be transported, the invoicing commissary will make timely requisition in writing upon the proper quartermaster, stating as nearly as possible the kind and amount of supplies to be transported, when they will be ready for delivery, when they should reach their destination, and any other information relating thereto which the quartermaster should possess. The commissary will give the quartermaster invoices in duplicate of the packages and their contents as marked and obtain from him receipts in duplicate. The commissary will forward similar invoices in duplicate to the consignee and obtain receipts in duplicate from him.

1365. If the receiving commissary finds any discrepancy between the invoices and the quantities, descriptions, or condition of the supplies received, not attributable to ordinary wastage in transportation, he will at once apply to the commanding officer for a board of survey to ascertain the quantity and nature of the discrepancy and fix the responsibility therefor. The receiving commissary will transmit to the invoicing officer receipts in duplicate for the supplies actually received, stating on the receipts the discrepancy ascertained and how, and will file a copy of the proceedings of the board with his return. The invoicing officer will file with his return the receipts accompanied by the quartermaster's receipts.

1366. When subsistence supplies are transferred by one commissary to another at the same station, the invoicing and receiving commissaries will exchange duplicate invoices and receipts therefor. Should any of the supplies not be in good condition, a board of survey will be applied for at once to examine and report upon them. The condition as determined by the board will be noted upon the invoices and receipts, and a copy of the proceedings will accompany each officer's returns.

GAINS, WASTAGE, AND DEFICIENCIES.

1367. Wastage will be reported not on the presumption that it exists or will exist, but on the fact that it actually exists as determined by the monthly inventory. It is not allowed on fresh beef furnished directly by a contractor. Gains are taken up as required by paragraph 1356.

1368. Actual, unavoidable wastage, occurring during transportation or resulting from evaporation, leakage, etc., or in making issues and sales, may be accounted for as wastage when the amount does not exceed three per cent in case of salt meats, salt fish, flour, hard bread, corn meal, sugar, soap, salt, molasses, syrup, dried fruit, or pickles; or one per cent in case of beans, pease, rice, hominy, coffee, tea, candles, or pepper.

1369. Salt and vinegar used in rebrining or pickling, and waste of stores in overhauling and repacking, will be accounted for by the certificate of the commissary approved by the commanding officer.

1370. Deficiencies exceeding the percentages specified in paragraph 1367, or in articles for which a limit of wastage is not therein indicated, or arising from losses by straying or death of beeves, or errors in their estimated net weight, or from losses by theft, fire, or vermin, or from deficient or unsuitable means of storage, etc., will be accounted for (1) by boards of survey; (2) by affidavits; (3) by certificates of disinterested commissioned officers. Boards of survey should generally report upon such deficiencies, affidavits or certificates being used only in cases where the amount involved is very small, or when it is impracticable to assemble a board.

1371. The facts and quantities involved will be fully set forth in all affidavits or certificates accounting for losses or extraordinary wastage, and in certificates of stores or property expended in preserving supplies. When loss or improper issue of supplies is not satisfactorily explained, their cost will be taken up on the account current of the accountable officer.

1372. Corn brooms worn out in the service in the Subsistence Department may be dropped from the returns of subsistence property without the action of a board of survey or of an inspecting officer.

STOREHOUSES.

1373. Storehouses, sheds, paulins, or other means of covering and protecting subsistence supplies will ordinarily be provided by the Quartermaster's Department.

1374. Commissaries will make daily inspections of their storehouses; see that they are kept dry and well ventilated; that the stores are properly cared for; that barrels and buckets of water and other means of extinguishing fires are ready for use, and that all proper precautions are taken to guard against loss.

1375. Coal oil, gunpowder, quicklime, or other articles of like dangerous nature will not be kept in or near subsistence storehouses.

FRESH MEATS.

1376. Fresh meats from the block will usually be provided for troops by contract. Beef cattle will be purchased only when necessary for supplying beef to troops in campaign or on the march.

THE RATION.

1377. A ration is the allowance for the subsistence of one person for one day and varies in components according to the station of the troops or the nature of the duty performed, being severally known as the garrison ration, the field ration, the travel ration, and the emergency ration. The garrison ration is issued to troops in garrison or in permanent camps, the field ration to troops in the field in active campaign, the travel ration to troops traveling otherwise than by marching or, when for short periods, they are separated from cooking facilities, and the emergency ration to troops in active campaign for use on emergent occasions.

1378. Enlisted men, prisoners of war, military prisoners at posts, hospital matrons, and nurses in the Nurse Corps are each entitled to one ration in kind per day, according to the station or the nature of the service, except that nurses are not entitled to rations while traveling; and when the rate of pay of a civilian employed with the Army does not exceed $60 per month, and the circumstances of his service make it necessary, and the terms of his engagement provide for it, there may be issued to him, in kind, one garrison or field ration per day, according to the exigencies of the case.

1379. Rations will be furnished to officers and men of the Marine Corps and to officers and seamen of the Navy when acting, or proceeding to act, in cooperation with the land forces of the United States, in conformity to the requirements of section 1143 of the Revised Statutes.

1380. The kinds and quantities of articles composing the garrison ration, the field ration, and the travel ration, and the quantities computed for 100 rations, are as follows:

1. GARRISON RATION.

Articles.	Quantities per ration.		Quantities per 100 rations.		
	Ounces.	Gills.	Pounds.	Ounces.	Gallons.
MEAT COMPONENTS.					
Fresh beef	20		125		
or fresh mutton, when the cost does not exceed that of beef	20		125		
or bacon	[1] 12		75		
or canned meat, when impracticable to furnish fresh meat	16		100		
or dried fish	14		87	8	
or pickled fish	18		112	8	
or canned fish	16		100		
BREAD COMPONENTS.					
Flour	18		112	8	
or soft bread	18		112	8	
or hard bread, to be ordered issued only when impracticable to use flour or soft bread	16		100		
or corn meal	20		125		
VEGETABLE COMPONENTS.[2]					
Beans	2 2/5		15		
or pease	2 2/5		15		
or rice	1 3/5		10		
or hominy	1 3/5		10		
Potatoes	16		100		
or potatoes 12 4/5 ounces and onions 3 1/5 ounces	16		100		
or potatoes 12 4/5 ounces and canned tomatoes 3 1/5 ounces	16		100		
or potatoes 11 1/5 ounces and other fresh vegetables (not canned) 4 4/5 ounces, when they can be obtained in the vicinity or transported in a wholesome condition from a distance	16		100		
or desiccated vegetables,[3] when impracticable to furnish fresh vegetables	2 2/5		15		
FRUIT COMPONENT.					
Dried or evaporated fruits (prunes, apples, or peaches), 30 per cent of the issue to be prunes, when practicable	1 3/5		10		
COFFEE AND SUGAR COMPONENTS.					
Coffee, green	1 3/5		10		
or roasted and ground coffee	1 2/5		8		
or tea, black or green	2/5		2		
Sugar	3 1/5		20		
SEASONING COMPONENTS.					
Vinegar		8/25			1
or vinegar 4/25 gill and cucumber pickles 4/25 gill		8/25			1
Salt	16/25		4		
Pepper, black	1/25			4	
SOAP AND CANDLE COMPONENTS.					
Soap	16/25		4		
Candles[4] (when illumination is not furnished by the Quartermaster's Department)	8/25		1	8	

[1] In Alaska, 16 ounces bacon or, when desired, 16 ounces salt pork or 22 ounces salt beef.
[2] In Alaska the allowance of fresh vegetables will be 24 ounces instead of 16 ounces.
[3] In Alaska, 3 3/5 ounces instead of 2 2/5 ounces.
[4] In Alaska, 8/25 ounce instead of 6/25 ounce.

2. FIELD RATION.

Articles.	Quantities per ration.		Quantities per 100 rations.		
	Ounces.	Gills.	Pounds.	Ounces.	Gallons.
MEAT COMPONENTS.					
Fresh beef or mutton, when procurable locally	20		125		
or canned meat, when fresh meat can not be procured locally	16		100		
or bacon	12		75		
BREAD COMPONENTS.					
Flour	18		112	8	
or soft bread	18		112	8	
or hard bread	16		100		
Baking powder, when ovens are not available	$\frac{16}{25}$		4		
or hops, when ovens are available	$\frac{8}{25}$			2	
or dried or compressed yeast, when ovens are available	$\frac{1}{25}$			4	
VEGETABLE COMPONENTS.					
Beans	$2\frac{2}{5}$		15		
or rice	$1\frac{3}{5}$		10		
Potatoes, when procurable locally	16		100		
or potatoes $12\frac{4}{5}$ ounces, and onions $3\frac{1}{5}$ ounces, when procurable locally	16		100		
or desiccated potatoes	$2\frac{2}{5}$		15		
or desiccated potatoes $1\frac{23}{25}$ ounces, and desiccated onions $\frac{12}{25}$ ounce	$2\frac{3}{5}$		15		
or desiccated potatoes $1\frac{23}{25}$ ounces, and canned tomatoes $3\frac{1}{5}$ ounces	$5\frac{3}{25}$		32		
FRUIT COMPONENT.					
Jam, in cans	$1\frac{2}{5}$		8	12	
COFFEE AND SUGAR COMPONENTS.					
Coffee, roasted and ground	$1\frac{7}{25}$		8		
or tea, black or green	$\frac{8}{25}$		2		
Sugar	$3\frac{1}{5}$		20		
SEASONING COMPONENTS.					
Vinegar		$\frac{8}{25}$			1
or vinegar $\frac{4}{25}$ gill, and cucumber pickles $\frac{4}{25}$ gill		$\frac{8}{25}$			1
Salt	$\frac{16}{25}$		4		
Pepper, black	$\frac{1}{25}$			4	
SOAP AND CANDLE COMPONENTS.					
Soap	$\frac{16}{25}$		4		
Candles	$\frac{2}{25}$		1	8	

3. TRAVEL RATION.

Articles.	Per 100 rations.
	Pounds.
Soft bread	$112\frac{1}{2}$
or hard bread	100
Canned corned beef, or corn beef hash	100
Baked beans	25
Canned tomatoes	50
Coffee, roasted and ground	8
Sugar	15

1381. Food on transports for troops traveling will be prepared from the articles of subsistence stores which compose the ration for troops in garrison, varied by the substitution of other articles of authorized subsistence stores of equal money value when required. No savings will be allowed to troops on transports.

1382. Troops on active campaign will be supplied with an emergency ration, prepared under direction of the War Department, which will not be used at any

time or place where regular rations are obtainable. It will be carried in the haversack or saddlebags, and accounted for at inspection, etc., by the soldier. It will not be opened except by order of an officer, or in extremity. If improperly opened or lost the money value will be charged against the soldier.

1383. Fresh meats will ordinarly be issued seven days in ten and salt meats three days in ten. If fish (dried, pickled, or canned) is issued it will be in substitution of salt meat. The proportion of the meat issues to troops may be varied at the discretion of department commanders, not, however, without due consideration being given to the equitable rights of contractors engaged in furnishing fresh meats to the troops under their commands. Whenever the issue of both the fresh meat and vegetable components is impracticable, there may be issued in lieu of them canned fresh-beef-and-vegetable stew, at the rate of 28½ ounces to the ration. The meat component to which the sick in hospital, drawing rations in kind, are entitled may, at the discretion of the medical officer, be called for and issued wholly in fresh beef, or partly in fresh beef and partly in salt meats.

1384. When troops are not supplied with fresh or desiccated vegetables in kind by the commissary, or when under paragraph 354 the troops raise vegetables for their own use in post gardens, and such use does not prejudice the interests of any contractor under his contract for supplying fresh vegetables to the post, commutation of the fresh vegetable portion of their rations will be allowed by the commissary at the prices of potatoes and onions in the vicinity of the post, or in the market from which the post is supplied, in the proportion of 80 per cent of potatoes and 20 per cent of onions, the commutation prices being determined monthly by the chief commissary of the department in which the post is situated. Where the raising of vegetables in a post garden is contemplated the post commissary, with the approval of the post commander, will notify the chief commissary of the period during which the post garden will be relied upon for vegetables, and that period will be excepted from the operation of any contract that may be made for supplying vegetables to the post.

1385. At posts and stations where illumination is furnished by the quartermaster's department, candles are not issued as part of the ration except to individuals whom it is not practicable for that department to supply with illuminants.

1386. When troops supplied with travel rations arrive at their destination or rejoin their station, such of the travel rations furnished them in excess of the time actually consumed by the journey as may be in good condition will be turned in to the commissary in exchange for the regular ration, and subsistence upon the latter will thereupon be immediately resumed.

1387. In adjusting charges to be made against enlisted men or others on account of increased expense to the Government for their subsistence, the value of the garrison or field ration will be estimated at 20 cents each; that of the travel ration at 40 cents.

LIQUID COFFEE.

1388. When enlisted men supplied with cooked or travel rations travel unaccompanied by an officer, funds for the purchase of liquid coffee in lieu of the coffee and sugar portion of the travel ration, at the rate of 21 cents per day for the anticipated number of days' travel, may, on the order of the commanding officer who directs the journey, be paid to each man and his receipt therefor taken on a receipt roll, which must be accompanied by a copy of the order. When enlisted man supplied with cooked or travel rations travels under command of an officer, funds at the same rate for the same purpose will be transferred to him, to be disbursed and accounted for. At the end of the journey all money in excess of 21 cents per day per man for the actual number of days traveled will be transferred to the nearest commissary. Should any part of the 21 cents per day per man for the actual number of days traveled be unexpended, it will be transferred to company commanders pro rata, to be taken up by them as part of the company fund.

ISSUES OF RATIONS.

1389. Issues of rations to troops will be made on ration returns signed by the immediate commanders of the organizations, and the issues ordered by the commanding officer of the post or station. Ration returns will be made, ordinarily, for a few days at a time, for the individuals of the organizations actually present, and for only such quantities as the organizations can receive and properly care for, and will be presented at the place where and time when rations are due. Rations will not be issued for a past period if troops have been sufficiently subsisted, nor will back rations be purchased as savings.

1390. Ration returns (Form No. 53, Subsistence Department) will, whenever practicable, be made and submitted with the morning reports on the following dates and will cover the following ration periods: On the day preceding the first day of the month, for the ration period from the first to the tenth day of the month, both days inclusive; on the tenth day of the month, for the ration period from the eleventh to the twentieth day of the month, both days inclusive; on the twentieth day of the month, for the ration period from the twenty-first to the last day of the month, both days inclusive; and will be based upon the full strength present on the days of submission as shown by the accompanying morning reports for those days. Commanding officers of organizations will give special attention to the duty of adding and deducting rations on the returns on account of men joining and leaving during the immediately preceding ration periods, and post and regimental commanders before approving such returns for issue will cause the additions and deductions thereon to be verified from the morning reports on file. The days for drawing the rations from the commissary will be fixed by the post or brigade commander.

1391. The ration as issued to troops will be issued on ration returns, signed by the medical officer in charge and approved by the commanding officer, to the hospital corps, the hospital matrons, the nurses of the nurse corps, and to such patients in hospital as can be subsisted on the ration as ordinarily issued.

1392. The medical officer in charge of a general, post, or camp hospital, hospital ship, or transport carrying patients is authorized to purchase, under the laws and regulations relating to purchases of subsistence stores, such articles of food, both solid and liquid, not carried in stock by the subsistence officer who issues rations to the hospital, and to call upon such subsistence officer for the issue of such quantities of articles from the stock already on hand as, in the judgment of the medical officer, are required for the diet of enlisted patients under his charge who are too sick to be subsisted on the ration as ordinarily issued; the total combined money value of the stores hereby authorized to be purchased and issued as above in any month not to exceed the rate, calculated on the month's transactions, of 40 cents per man per day for those actually requiring special diet. Subsistence officers are authorized to pay all duly certified bills of purchases made by medical officers under the provisions of this paragraph, or to make the purchases themselves at the request of the medical officers, and to make issues for special diet hereunder from stores on hand at their request, provided the rate of 40 cents per man per day for those enlisted men actually requiring special diet is not exceeded in any month.

1393. When a ration has been drawn by the hospital for an enlisted patient for a ration period and it becomes necessary during that period to put him upon special diet, due deductions will be made by the surgeon in charge on the next ration return of the hospital for the rations unused by him; and, reciprocally, when a patient on special diet has been restored in a ration period to regular diet, the necessary additions will be made on the next ration return of the hospital for the rations used by him. The object of this rule is to prevent the hospital from having the benefit of the rations of enlisted men for the period they may be put upon special diet, and to give the benefit of an issue of rations where men have been restored to regular diet when rations had not been drawn for them.

1394. Medical officers having enlisted patients on special diet will make return of such patients at the end of each month on Form No. 69, Subsistence Department,

and send the same to the subsistence officer. After the subsistence officer has entered the vouchers for purchases and the articles issued for special diet and deduced the rate per man per day which the special diet for the month has cost, the certificates at the foot of the form will be duly executed by the medical officer and the subsistence officer; and the medical officer will file with the subsistence officer Form No. 69 and with it the report required by paragraph 648 of these regulations, of emergency or open-market purchases of subsistence stores made by him, which will be made out on Form No. 9 or 9½, Subsistence Department, and signed by him. As articles of special diet authorized by this order are immediately expendable by the medical officers, Form No. 69, when duly executed, will be accepted by the Commissary-General of Subsistence as the return of the medical officer for the subsistence stores involved. Purchase vouchers certified by medical officers will state that the stores will be accounted for "on Form No. 69, to be filed with the account current of ——— ——— for the month of ———, 190–."

1395. The formation of a hospital fund from articles purchased for special diet for enlisted men too sick to use the army ration, or the application of such articles to uses other than those for which intended, is prohibited. Such articles will, as far as practicable, be procured in quantities sufficient for the needs of specific patients only, and no large accumulations will be made. Nothing in this regulation will be construed to prevent the maintenance of a hospital fund from savings of the rations of the Hospital Corps, and the patients who do not require special diet.

1396. The subsistence officer who pays for purchases of articles of special diet under this order will enter in a group, on his abstract of disbursements (Form No. 5), all such payments made in the month, and will enter the articles as "Hospital supplies" in the column headed "On what account."

1397. The return of enlisted patients and abstract of issues, etc. (Form No. 69), will be filed with the monthly account current of the subsistence officer. The articles issued from stock on hand thereon reported will be properly entered on his return of subsistence stores as "Special diet in hospital."

1398. Issues of rations to civilians employed with the Army will be made on ration returns signed by the officers in charge of the employees, when ordered by the commanding officer.

1399. Issues of rations will be made in the full net weight or measure of the articles called for. Articles required for consumption will be removed from the storehouse. Those remaining will be settled for as savings, under paragraphs 1407, 1408, and 1409. No articles once removed from the storehouse will be purchased as savings, except on the order of the commanding officer.

1400. When one, two, or three enlisted men travel under orders, the travel order of each man will have indorsed on it the certificate of his commanding officer as to the time to which he was last rationed, etc., in the form prescribed by paragraph 1418, and if commutation of rations is allowed it will be paid in the manner directed by that paragraph. Travel orders retained by soldiers will be turned over to the commissary from whom rations are next to be drawn, who will file them with his abstract of issues, or his receipt roll of commutation paid, as the case may require. When any considerable detachment of enlisted men leaves a post or command the detachment commander will be furnished by the commissary with a ration certificate giving the number of men and the organizations to which they belong, and setting forth the date to which, and by whom, rations were last issued for them, which ration certificate will be presented to the commissary from whom rations are next drawn, who will file it with his abstract of issues. Employees entitled to rations are, when detached, furnished with ration certificates.

1401. When a person entitled to rations leaves an organization or is ordered to travel with travel rations, the rations issued to him for any period beyond the date of his leaving, and not taken with him, will be deducted on the next ration return of the organization. The name of the person, with a statement of the facts, will be

entered on the ration return. The ration return of an organization will include all persons belonging to it who are to draw their rations separately; the names of such persons will be written on the ration return.

1402. At a post where a general mess is established, the issues ordered by the post commander to be made to the command for a ration period will be entered on the outer fold of a ration return, and the separate ration returns of the organizations composing the command for the period will be inclosed in this ration return as a wrapper. The entry of such an issue on the abstract of issues will show the several organizations for which the issue was ordered, giving the strength of each, as well as the detailed information as to additions and deductions contained in the separate ration returns.

OTHER ISSUES OF SUBSISTENCE STORES.

1403. The following issues are made when necessary for the public service:

Articles.	Allowance.	
	Quantity in bulk.	Equivalent in rations.
1. Candles, when oil for illuminating purposes is not furnished by the Quartermaster's Department:		
To headquarters of a department, per month	30 pounds	2,000
To headquarters in the field—		
Of each separate army, when composed of more than one corps, per month	40 pounds	2,667
Of an army corps, per month	30 pounds	2,000
Of a division, per month	20 pounds	1,333
Of a brigade or regiment, per month	10 pounds	667
Of a battalion or squadron, per month	10 pounds	667
To a division hospital, per month	40 pounds	2,667
To a brigade hospital, per month	30 pounds	2,000
To a regimental hospital, per month	20 pounds	1,333
To officers and storerooms—		
Of the chief quartermaster or chief commissary of a department or depot of supply, from April 1 to September 30, per month	10 pounds	667
Of the quartermaster or commissary of a post, from April 1 to September 30, per month	5 pounds	333
From October 1 to March 31, not exceeding double the above quantities.		
To guards—		
To the principal guard of each camp, per month	12 pounds	800
2. Lantern candles:		
To stables—		
Such number of pounds as the commanding officer may order as necessary.		
3. Salt:		
For public animals—		
For each animal, per week	2 ounces	.....
Or, when in the opinion of the commanding officer so much is necessary, not exceeding, per month	12 ounces	19
4. Vinegar:		
For every 100 public horses or mules, for sanitary purposes—		
Such amount as the commanding officer may order as necessary, not exceeding, per week	2 gallons	200
5. Flour:		
For paste used in target practice—		
Such quantity as the commanding officer may order as necessary, not to exceed 50 pounds for each troop, battery, or company during the target-practice season.		
6. Matches:		
For lighting fires and lamps for which fuel and illuminating supplies are issued—		
Such quantities as the commanding officer may order as necessary.		
7. Towels, huck:		
For use in the offices of the adjutant, quartermaster, and commissary—		
Such number as the commanding officer may order, not to exceed twelve per year, for each of the above offices.		
8. Toilet paper:		
For use of enlisted men stationed at such military posts and camps as are provided with modern water-closets with sewer connections—		
For each two enlisted men, per month, one package or roll of 1,000 sheets.		

The issues are made on ration returns signed by the officer in charge and issues are ordered by the commanding officer, the latter determining what quantities, within the limits above prescribed, shall be issued. Candles, salt, vinegar, and flour for the above purposes are entered on the ration returns and on the abstract of issues in terms of rations, lantern candles in pounds, and matches in boxes. The returns and abstract show for what places the candles, towels, and toilet paper are intended, and the number of animals and period for which salt and vinegar are drawn, giving the troop, battery, etc., to which they belong. Towels will be issued on receipts to the commissary. They will not be accounted for on the returns of the officers receiving them, but will be continued in use until worn out.

1404. Issues of toilet, barbers', laundry, and tailors' articles for general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations are made, as follows:

1. Such of the following articles as may be necessary, not to exceed in value 50 cents per month for each general prisoner, will be issued by commissaries on the 15th day of each month to the officer in charge of prisoners, viz:

Beeswax,
Blacking, shoe,
Brooms, whisk,
Brushes, blacking,
Brushes, hair,
Brushes, shaving,
Brushes, tooth,
Buttons,
Combs, fine,
Combs, horn,
Mugs, shaving,
Needles,
Razors,
Razor strops,
Scissors,
Soap, issue,
Soap, shaving,
Thread,
Toilet paper,
Toweling, unbleached.

Requisitions for these articles will set forth the number of general prisoners present at the post and must be approved by the post commander. The receipt of the officer in charge will be the commissary's voucher for dropping the articles from his return. No articles issued under this paragraph, except toothbrushes, fine combs, buttons, and thread, will be carried away by prisoners when transferred or discharged. Towels used by prisoners will be laundered by those who use them. When specially authorized by the Secretary of War, the Subsistence Department will supply to posts where thirty or more general prisoners are confined a sewing machine and other necessary tailors' utensils for use in mending prisoners' clothing.

2. A recruiting officer stationed elsewhere than at a military post is authorized to purchase such of the following articles as may be necessary for the use of all the recruits at his station, at an expense not exceeding 70 cents per month, namely:

Blacking, shoe,
Brooms, whisk,
Brushes, blacking,
Brushes, hair,
Combs, coarse horn,
Toilet paper,
Toweling, unbleached.

If the officer is supplied with subsistence funds, he will pay the vouchers made out on Form No. 8, the certificate thereon being properly modified, and will report the purchase on Form No. 9, as required by paragraph 648. If not supplied with funds he will send the duly certified vouchers for payment to the chief commissary of the department in which the recruiting station is located, accompanied by a report on Form No. 9. The towels in use by recruits at recruiting stations will be laundered at the expense of the Quartermaster's Department.

3. At a recruiting station at a military post such quantities of unbleached toweling, not exceeding twelve yards for a six months' supply, and such quantity of issue soap as may be necessary, will be issued to the recruiting officer at the post by the commissary upon requisition, approved by the commanding officer, for use exclusively by applicants for enlistment, recruits on probation, and newly enlisted men awaiting transfer to permanent stations. Towels will be laundered by those who use them.

The receipt of the recruiting officer will be the commissary's voucher for dropping the articles from his return.

4. Such quantities of toilet paper as may be absolutely necessary for the use of the post guardhouses and of recruits at recruiting rendezvous will be issued, by the commissaries, to the officers in charge on requisitions approved by the post commanders. The receipt of the officer in charge will be the commissary's voucher for dropping the articles from his return.

5. Articles issued in pursuance of this paragraph will not be accounted for on property returns by officers receiving them, but will be continued in use until worn-out.

1405. Subsistence will not be issued to destitute persons except when the commanding officer assumes the responsibility of ordering the issue to relieve starvation or extreme suffering. In such cases the circumstances will be fully stated in the order.

1406. The commanding officer will certify to the accuracy of the abstract of issues upon comparison with the ration returns, which will be retained by him. The abstract of issues so certified, and accompanied by copies of orders or authorities contemplated by paragraph 777, is the commissary's voucher for the issues.

SAVINGS.

1407. All articles of the ration (excepting fresh beef, dried or pickled fish, soft bread, fresh or desiccated vegetables, and dried fruit) due a company, bakery, or other military organization, and not needed for consumption, will, if public loss will not result, be retained for reissue by the commissary, and will be paid for by him as savings at the invoice prices. The entering of a more expensive component article of the ration on the ration return with the view of leaving it undrawn and selling it to the commissary as savings and purchasing from him for use in its place a less expensive article of the same component is prohibited. Savings not needed by the commissary for reissue may be sold by companies, bakeries, or other organizations to any purchasers.

1408. Savings purchased by the commissary will be entered on a receipt roll, in duplicate, in the name of the organization to which they belong, and the money value receipted for by the officer in charge thereof. Payments for hospital savings will be made to the surgeon of the post or station.

1409. If savings are not paid for by the commissary in the month in which accumulated, the proper organization will be furnished with an extract, in duplicate, of the receipt roll, showing stores received from it and the amount due, which, duly certified by the commissary and approved by the commanding officer, will be presented for payment to any commissary having funds for the purpose.

COMMUTATION.

1410. Commutation of rations may be allowed at the following rates, under the conditions mentioned, viz:

Conditions.	Rate per day each.
1. To a soldier at the conclusion of his furlough, provided that on or before the last day thereof he has reported at his proper station or has been discharged. Male and female nurses are entitled to the same commutation when on leave or furlough	$0.25
2. To sergeants of the post noncommissioned staff (and soldiers acting as such) on duty at forts and stations where there are no other troops	.40
3. To a soldier on detached duty, stationed in a city or town where subsistence is not furnished by the Government	.75
4. To a soldier traveling under orders from a place or station at which his rations have been regularly commuted	1.50
5. To enlisted men traveling under orders (when the journey can not be performed in twenty-four hours and it is impracticable to carry rations of any kind), as follows:	
To an enlisted man traveling alone	1.50
To two enlisted men traveling as a detachment or traveling as a guard to an insane patient or military prisoner, each	1.50
To an insane patient or military prisoner traveling under guard of one or two enlisted men, to be paid, on the order of the commanding officer, in advance to, and to be receipted for by, the person to whose charge the patient or military prisoner is committed by the order	1.50
To enlisted men selected to contest for places or prizes in department or army rifle competitions, while traveling to and from places of contest	1.50

1411. Recruits forwarded from recruiting stations, recruit rendezvous, or other military posts will be furnished the following allowances for subsistence while traveling, viz:

When one or two men are forwarded.	When more than two men are forwarded.
For a journey of 24 hours or less.	*For a journey of 24 hours or less.*
Cooked rations (to be obtained from the contractor for meals or from the company or general mess).	For a detachment of three or more men: Travel rations (or, if not available, cooked rations, to be obtained from the contractor for meals or from the company or general mess).
For a journey of more than 24 hours.	*For a journey of more than 24 hours.*
Cooked rations, as above, for the first day, and, for remaining time of journey, commutation of rations at not exceeding $1.50 per man per day.	For a detachment of three or more men: For the first day, either travel or cooked rations as above; for remaining time of journey, travel rations if available, or, if not available, commutation of rations at not exceeding $1.50 per man per day.

1412. Enlisted men, including recruits, ordered upon journeys which can be performed within twenty-four hours from the hour of starting must be subsisted during the journey upon cooked or travel rations drawn for the purpose from the company kitchen, the contractor for meals, or from the commissary.

1413. Enlisted men absent under orders from their stations upon recruiting duty for not exceeding three days will be deemed to be traveling under orders during the entire period, notwithstanding that some portion of the period may be occupied by detentions in the various towns which they visit in the performance of their duty, and their commutation of rations will be at the rate of $1.50 per day.

1414. An enlisted man not a recruit ordered, under subhead 5, paragraph 1410, of these Regulations, upon a journey of more than twenty-four hours' duration will be allowed commutation of rations at the rate of $1.50 (or such less sum as the officer ordering the journey may consider sufficient) for each full period of twenty-four hours of travel, beginning with the hour of starting, and proportionally for any fractional part of a twenty-four hour period at the end of the journey in which regular meal times are included, each meal in such fractional part being allowed for at one-third the rate for the full twenty-four hour period. The commutation of rations allowed recruits after the termination of the first twenty-four hours' travel will be computed in a similar manner for full twenty-four hour periods and fractional parts thereof. The provisions of this paragraph do not apply to travel on army transports.

1415. Commutation of rations will not be allowed to enlisted men serving where subsistence is furnished by the Government; or traveling under orders when they can carry and cook their rations, or can carry cooked or travel rations; or traveling under orders on army transports or by steamboat or steamship where the passage rates include meals; or failing to report at their proper stations on or before the last day of furlough unless discharged; or recruiting parties at their stations; nor to civil employees.

1416. An order directing the travel of an enlisted man will state that the journey is necessary for the public service. If it be impracticable for him to carry rations of any kind, the order will so state and will direct commutation of rations to be paid; if required to be paid in advance, the number of days will be stated.

1417. An enlisted man traveling on duty under orders on a vessel of the United States transport service will not be allowed commutation of rations for the time he is aboard. He will be quartered with the enlisted men aboard and will mess with them, and the proper transport officer will indorse upon the travel order in the possession of the soldier the dates between which subsistence was so furnished. The

travel order so indorsed will be turned over by the enlisted man at the end of the journey to the commissary by whom commutation of rations for any portion of the journey is paid, who will file it with the voucher on which payment is made. If commutation of rations is ordered paid in advance, the probable time on shipboard must be taken into account in determining the number of days' commutation to be allowed, and the paying officer will indorse the original order and make payment on a certified copy thereof in the manner directed in Army Regulations 1418 for paying commutation of rations in advance.

1418. Commutation of rations allowed to an enlisted man while traveling, when not directed to be paid in advance, will be paid to him at the end of his journey, upon presentation of the order for the journey with the certificate of his commanding officer thereon in the following form: "Last rationed to include ———, 18—; will leave station at ———, ———, 18—; the rations overdrawn will be deducted from the ration return of Company ———, ——— Regiment of ———, for the period from ———, 18—, to ———, 18—," and a certificate signed by a commissioned officer in the following form: "Joined station at ———, ———, 18—." The period allowed by the paying officer will be the time required over the shortest usually traveled route. If ordered paid in advance, it will be paid upon presentation of a certified copy of the order directing the payment, having thereon the certificate in the above form of his commanding officer. In this case the paying officer will indorse the date, mode, and amount of payment, over his signature, on the order which is retained by the soldier, and certify on the copy that he has made such indorsement. The soldier will deliver his retained order to the commissary at the station where rations are next drawn, who files it with his abstract of issues. The order, or copy thereof, on which commutation has been paid will be filed as a subvoucher to the receipt roll, and the paying officer will indorse on the order or copy thereof, the date, mode, and amount of payment.

1419. The furlough of an enlisted man will show, by memorandum of his company commander, to what day he was last rationed and the number of rations, if any, drawn for him previous to his going on furlough, for the time covered by the furlough, and the certificate of his company commander on the back of the furlough will show the date on which he rejoined his proper station or was discharged and that the rations overdrawn for him were duly deducted from a ration return of his company. If entitled to commutation he will be paid by any commissary upon the presentation of the furlough containing the above memorandum and certificate. The paying officer will file the furlough as a subvoucher to his receipt roll, and indorse on the furlough the date, mode, and amount of payment. If the period for which the furlough is given is within the competency of the authority cited, no copy of the order prescribed in paragraphs 120 and 1418 is needed to accompany the furlough, when presented to a disbursing officer for payment of commutation of rations; but if the period is manifestly beyond the competency of the authority cited, the furlough should, when presented for payment of commutation of rations, be accompanied by copies of all orders in pursuance of which it was given.

1420. An enlisted man granted a furlough with permission to travel on a vessel of the United States transport service will be quartered with the enlisted men aboard and will mess with them. The transport officer will certify upon the enlisted man's furlough the dates between which subsistence was so furnished. In paying commutations of rations on the furlough these days will be deducted.

1421. Enlisted men discharged in Cuba, Porto Rico, Hawaii, the Philippines, or other places outside of the States composing the Union will be provided free transportation to the said States on Government transports upon direction of the commanding officers in the several localities and will be subsisted by the Subsistence Department to the port of destination. They will not be entitled to travel pay from

port of embarkation to the United States, nor to commutation of rations for the time so subsisted on the transports. The fact that such transportation and subsistence have been furnished must be noted on the final statements.

1422. When an officer orders commutation of rations to be paid, or rations to be issued, to a soldier on furlough to enable him to reach his proper station, the paying or issuing officer will report the full amount paid, or the money value of the issue, to the soldier's company commander. Should the soldier reach his station on or before the last day of his furlough, the company commander will charge the full amount of the payment or issue against his pay on the next muster and pay roll. Should he reach his post after the expiration of his furlough, and the delay be not excused, the full amount will be similarly charged. Should the overstaying of his furlough be excused, the full amount, diminished by the value of the ration, at 20 cents per day, for the number of days during which he was absent after the furlough had expired, will be charged.

1423. When a furlough is lost, a certified copy prepared by his company commander, with the soldier's affidavit stating when, where, and the circumstances under which the loss occurred, that he reported at his station on or before the last day of his furlough or was discharged, and that no rations have been furnished nor commutation paid him for any portion of the time during which he was on furlough, may be presented within six months after the loss, through his company and post commanders, to the chief commissary for payment or other disposition.

1424. Enlisted men having claims for commutation of rations, and who are at a distance from a paying commissary, will be paid upon forwarding to the paying commissary their travel orders or furloughs, properly made out, accompanied by receipts, in duplicate. Enlisted men on detached duty entitled to commutation of rations may be similarly paid upon the certificate of the officer under whom they serve, setting forth the period for which commutation is due, accompanied by a copy of the authority for its allowance, or by a reference to such authority if previously furnished.

1425. Officers doing subsistence duty at other places than where the Treasurer or assistant treasurer or a designated depository of the United States is located, will make application to the Secretary of War through proper military channels, if they have not already been authorized to keep public money in their personal possession, for authority to so keep at their own risk such specified sums as in their opinion may be necessary to enable them to make at their posts cash payments to enlisted men, from time to time, for commutation of rations while traveling, on furlough, etc., and for paying them coffee money individually when ordered to travel without an officer. When it may be necessary to draw a check for obtaining money to be kept in personal possession for the purposes herein set forth, the disbursing officer will draw it in his own favor, and enter under the heading thereon "object for which drawn," or "on account of," the following: "To hold funds in personal possession. Authority S. W. ——— ———, 190—." Such checks will not be stated to be for "payments under $20."

SALES.

1426. Sales of subsistence stores (except of ice and forage for beef cattle) will be made at cost prices for cash to an officer on his certificate that the stores are for his personal or family use or for the use of an officers' mess of which he is the caterer, and will be similarly made on a certificate that they are for his or her personal use to a

contract surgeon, a dental surgeon, a veterinarian, or a female nurse when stationed within a military post or serving with troops in the field. Sales will also be made at cost prices for cash to a member of the immediate family of an officer, during his absence, upon a written request by him to the commissary.

1427. Sales to officers paid for within the calendar month in which made will be regarded as cash sales; if not paid for within that month they will be reported as credit sales and so accounted for, and the amounts due collected through the Pay Department.

1428. Sales of reasonable quantities of stores will be made to an enlisted man on the active or retired list, for cash, upon his declaration, in writing, that they are intended for his own use. A company, detachment, hospital, post bakery, or post exchange may purchase for cash under similar conditions and upon the certificate of the officer in charge.

1429. Exceptional articles of subsistence stores called for by officers and enlisted men, to be paid for by them regardless of condition upon arrival at posts, may, under such instructions as to purchase and accountability as may from time to time be given by the Commissary-General, be purchased and turned over to the Quartermaster's Department for transportation to the posts where desired.

1430. Civilians at rates of pay of sixty dollars or more per month, employed with the Army at remote places or in the field where food can not otherwise be procured, may be allowed to purchase from the Subsistence Department, in limited quantities for their own use, for cash at cost prices with 10 per cent added, such articles of the ration or of stores kept for sales to officers and enlisted men as can be spared from the supplies on hand.

1431. Sales may be made on credit to officers and enlisted men who have not been regularly paid or who are in the field. Officers will certify that the stores are for their own use and receipt for them. Enlisted men will obtain permits from their company commanders, approved by the commanding officer, for purchases on credit. Permits will not be given to a soldier in excess of the unencumbered pay due him nor in any month in excess of his monthly pay. A recruit may be furnished on credit with such of the following articles as may be needed by him, viz: A hand basin, a piece of soap, a toothbrush, two towels, a comb, a hairbrush, a shoebrush and a box of shoeblacking, and not to exceed one pound of tobacco.

1432. Articles purchased by the Subsistence Department by net weight will be sold at net weight at the time of sale. Where the weight of a wrapper or cover at the time of purchase was included in the weight of an article it will be included in the weight when the article is sold. Articles in cartons, packets, or sealed cans will be sold as purchased.

1433. Post commanders will regulate sales and delivery of supplies. Selling, (except by the post exchange), or bartering of supplies purchased from the commissary is forbidden.

1434. The commanding officer of a post at or near which the immediate family of a regular or volunteer soldier who is absent abroad resides may, if the residence and other conditions of such family make it proper, grant to the head thereof permits to purchase from the Subsistence Department at the post, for cash at cost prices, such quantities of subsistence stores as in his opinion may be reasonably needed for the sole use of the soldier's immediate family. The total amount of subsistence stores so sold to soldiers' families will be entered by the commissary in a separate item on the abstract of sales each month.

1435. An officer purchasing subsistence stores on credit will furnish the commissary making the sale with a receipt in duplicate (on Form No. 73, Subs. Dept.) setting forth the place and date of purchase, the name of the commissary who made the sale,

and the money value of the stores so purchased. One copy of the receipt will be forwarded by the commissary to the paymaster who pays the officer, or to the chief paymaster of the department, and will be filed with the pay voucher on which collection is made. The duplicate receipt will be filed by the commissary with his retained Abstract of Sales. The names of the officers purchasing subsistence stores on credit, the organizations to which they belong, and the money value of the stores so purchased will be entered on the Abstract of Sales.

1436. The commissary who sells to enlisted men on credit will make a statement of dues, in triplicate, for each company or organization to which the men belong. One copy will be furnished to the company or other commander, who will charge the dues on the next pay roll and on subsequent rolls until collected. If a recruit leaves his station or rendezvous before the money value of the toilet articles furnished him on credit has been collected, the amount due will be noted on the descriptive and assignment card, in order that the paymaster may withhold it at the first payment after the recruit has joined his company.

1437. Amounts due from credit sales will be collected by paymasters, taken up by them and promptly transferred to a disbursing commissary, the paymaster giving duplicate invoices and taking receipts on each pay account or pay roll.

1438. Sales will be consolidated monthly on an abstract in duplicate. The commanding officer will satisfy himself that the purchases have been properly authorized and duly made and will so certify on the abstract. The copy of the abstract accompanying the commissary's account current will serve as a voucher to the account current, as well as to the officer's return.

1439. On the first day of each calendar month a list will be prepared at each post showing the prices at which stores will be sold during the month. The price for each article will be the invoice price of the last lot of that article received prior to the day on which the price list is prepared.

BLANK FORMS.

1440. Blank forms will be furnished to commissaries on periodical requisitions sent direct to the Commissary-General. Officers at posts will obtain them from the post commissaries.

ACCOUNTS AND RETURNS.

1441. The following accounts and returns, prepared in accordance with the directions printed on the blanks, are required:

1. Account current, prepared and forwarded by each officer accountable for subsistence funds, within ten days after the close of each month, accompanied by vouchers.

2. Return of subsistence stores, by each officer accountable, forwarded at the same time as the account current, accompanied by vouchers, etc.

3. Return of subsistence property, rendered quarterly, within ten days after the close of the months of March, June, September, and December, by each officer accountable, accompanied by abstracts, vouchers, etc.

ARTICLE LXXX.

Pay Department.[1]

GENERAL PROVISIONS.

1442. The Pay Department, under the direction of the Secretary of War, has charge of the supply and distribution of and accounting for funds for the payment of the Army, and such other financial duties as are specially assigned to it.

1443. The chief paymaster of a department, under the direction of its commander, will have control of all paymasters stationed therein, and be responsible for the payment of the troops of the command.

1444. Military commanders in directing payments will not require the paymaster to be absent from his station on the last day of the month, except for special reasons, which will be reported to the Adjutant-General of the Army.

PAYMENTS TO OFFICERS.

1445. Officers will be paid monthly, on duplicate accounts, certified by themselves, according to prescribed forms.

1446. All officers of the Army will be paid within the limits of their departments and, as far as practicable, by the same paymaster, unless they be on leave of absence or on detached duty beyond the limits of their departments, or shall have transferred or assigned their accounts as provided for in paragraph 1447 of these regulations, or have the authority of the Paymaster-General for payment elsewhere. Officers on leave of absence will in all cases present their leave orders to the paymaster to whom application for payment is made, who will indorse thereon, over his signature, the amount paid and the period paid for. Retired officers, as a rule, will be paid in the departments in which they reside, unless they shall elect to be paid elsewhere, when they will notify the Paymaster-General. When an officer is absent from his station, a paymaster will, before paying him, require proof of authority for such absence.

1447. An officer will not hypothecate nor transfer a pay account not actually due. When due it may be transferred by indorsement, naming the party to whom transferred, and may be paid by the proper paymaster if satisfied of the genuineness of the officer's signature and if no stoppage or other disability as to pay prevents. The date of transfer, certified by the officer whose account it is, will appear in the indorsement. When an officer transfers a pay account, he will, at the time of transfer, communicate the fact to the chief paymaster of the department, through the paymaster who is expected to pay it. If the officer be on leave, or if his accounts be payable in Washington, the notification of transfer will be made to the Paymaster-General.

EXTRA PAY.

1448. To entitle an officer to the pay of a grade above that actually held by him, the service in such higher grade must have been continuous for three months or more and the assignment must be by the written order of the commanding general in the field or the Secretary of War, and no pay or allowances of a higher grade than that actually held by an officer will be paid under this provision except when a certified copy, in duplicate, of such order, with statement of service, is filed with the paymaster.

1449. The 10 per cent increase allowed to officers serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous

[1] Regulations for the government of the Pay Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Paymaster-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

thereto will be paid on separate blanks, in the department or division where the officer is serving, for those months during which the officer has transferred his accounts for payment in the United States. The transferred accounts will be paid at the regular rate to which the officer would be entitled if serving within the limits of the United States.

MOUNTED PAY.

1450. The following officers, in addition to those whose pay is fixed by law, are entitled to pay as mounted officers: Officers of the staff corps below the rank of major, officers serving with troops of cavalry, officers of a field or siege battery duly organized and equipped, authorized aids duly appointed, officers serving as military attachés to the embassies and legations of the United States at foreign capitals, officers serving with companies of mounted infantry, and officers on duty which requires them to be mounted and which is so certified to by the Secretary of War or the department or corps commander on their first pay vouchers while on such duty, the certificate being cited by the officers on their subsequent vouchers. Officers ceasing to draw mounted pay will file with the last pay voucher a copy of the order relieving them from duty which required them to be mounted. Acting judge-advocates of military departments, duly detailed, are entitled, while so serving, to the rank, pay, and allowances of captains of cavalry.

1451. Department commanders will announce, in orders, the authority obtained from the Secretary of War for mounting companies of infantry, giving the date from which such mounted service commences and termination of the same.

1452. Muster rolls and returns of companies of mounted infantry will show the number, date, and source of order authorizing mounted service. The pay accounts of officers charging mounted pay will contain the same information. A copy of the order will be attached to the first muster rolls prepared after the company has been equipped or mounted; a copy of the order discontinuing such service will appear on the first muster rolls prepared after its discontinuance.

1453. An acting commissary will be paid the additional pay allowed by law, on the certificate of the Commissary-General that he has performed the duty contemplated therein during the time charged. To entitle him to this pay he must be detailed under proper orders from some established post or body of troops, and must issue full rations to troops from stores for which he is responsible.

1454. No officer shall receive pay for two staff appointments for the same time. This prohibition does not prevent a quartermaster of a regiment who, in addition to the duties of his office, may be acting commissary, from receiving the extra compensation allowed by law for performing the duties of the latter.

1455. A person appointed to the Army, or receiving an appointment to a new office therein, is entitled to pay from date of acceptance only. In all cases of promotion an officer is entitled to pay from date of vacancy.

1456. An officer leaving the service will, before receiving final payment, produce certificates as to his indebtedness to the United States, and will make oath upon the final voucher to the correctness of the several items contained therein, stating the place of his residence, and that he is not indebted to the United States on any account whatever, except as shown by said certificates.

1457. An officer who tenders his resignation while on duty will receive pay to include the date on which he receives notice of acceptance, if he continue on duty until that time; or if sooner relieved from duty, to include the date of relief. An officer whose resignation takes effect while on leave will be paid to include date of acceptance.

1458. An officer placed upon the retired list will receive active pay to include the date of retirement, and the pay of a retired officer thereafter. If on duty, he will receive such pay to include the date of receipt by him of notice of his relief from duty.

1459. Contract surgeons and contract dental surgeons must present their contracts to paymasters when applying for payment of salaries, and paymasters will indorse thereon date and period for which paid.

1460. An officer dismissed by sentence of court-martial will be paid to the date of termination of service, as specified in the order promulgating the sentence.

1461. In computing longevity pay service performed as cadets at the Military or Naval Academy, or as enlisted men of the Army or Navy, will be counted.

1462. In payments to officers and enlisted men the days of commencement and expiration of service will be included. When service begins on the 31st day of a month, pay will not be allowed for that day.

1463. An officer of the Army appointed to a grade in the volunteers or militia in the service of the United States superior to that held by him in the Army will be entitled to the pay and emoluments of the grade to which appointed from date of acceptance of such appointment or from date of muster in thereunder.

PAY DURING ABSENCE.

1464. Officers and enlisted men in arrest and confinement by the civil authorities will receive no pay for the time of such absence; if released without trial, or after trial and acquittal, their right to pay for the time of such absence is restored.

1465. To entitle him to full pay during absence on account of sickness or wounds an officer must exhibit to the paymaster an order from competent authority granting or extending his sick leave. During the time necessarily consumed in making the journey to his post an officer joining from sick leave is entitled to full pay as if on duty.

1466. The pay accounts of an officer on leave during his absence will exhibit the date of commencement of leave, authority therefor, and, in case the account is for the month in which the absence terminates, date of return to duty. In all cases the day of departure, or relief from duty, will be counted as a day of duty and the day of return as one of leave.

1467. Leaves of absence which may be granted to officers of the Army serving in the Territory of Alaska, or without the limits of the United States, for the purpose of returning thereto, shall be regarded as taking effect on the dates upon which such officers reach the United States, and such leaves of absence shall be regarded as terminating on the dates of their respective departure from the United States in returning to their commands.

1468. In determining the period for which an officer is entitled to full pay on leave, time within four successive leave years, terminating with the one in which absence is taken, will be considered. If the absence does not cover the entire period for which full pay is allowed, the balance thereof will be placed to the officer's credit as belonging to the last year or years of the four considered and may be made available for future leave.

1469. The leave year is reckoned from June 20 to the following June 19, both inclusive. In computing leave of absence expressed in days during any leave year every day of such absence will be counted; leave expressed in months will be counted in months.

1470. When an officer on leave claims full pay for any part of his absence the paymaster will ascertain the time for which he is entitled to the same from the monthly list of absentees issued from the Adjutant-General's Office; or, if that does not afford the information, from the officer's statement on his account of his absence on leave during each leave year.

1471. An officer ordered to temporary duty while on leave will be regarded as on duty from the day on which he receives the order. When the duty is to be performed at a future date he will be on duty from the date on which he starts to obey the order. The date of the receipt of the order in the first case, and the date of departure in the second, will be promptly reported to the Adjutant-General of the Army. When relieved from such duty, or on the completion thereof, he reverts to the status of leave and will be credited with the time on duty under such order.

TRAVEL ALLOWANCES.

1472. When an officer travels without troops under orders he is entitled to the following allowances:

1. To mileage at the rate of 7 cents per mile, and no more, for the distance between the points named in the order for travel, such distance to be computed over the shortest usually traveled routes, with deduction as hereinafter provided.

2. Officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, for the entire journey under their orders; and the transportation so furnished shall be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department three cents per mile for transportation furnished over any railroad which is not a free, bond-aided, or fifty per centum land-grant railroad, for the credit of the appropriation for transportation of the Army and its supplies.

3. When the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over any fifty per centum land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department. When transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account, by the paymaster paying the same, three cents per mile for the distance for which transportation has been or should have been furnished.

1473. Actual expenses only will be paid to officers for sea travel when traveling to, from, or between our island possessions.

An itemized statement of such expenses will be filed with each voucher for payment, as follows:

1. Fares upon commercial steamers, steamship lines, or other usual modes of conveyance by sea.

2. Cost of customary stateroom accommodations on commercial steamers when the same is not included in the travel fare.

3. Hire of special water transportation when there are no regular means of conveyance.

4. Actual cost of meals, not to exceed $4.50 per day, for the time actually and unavoidably consumed in the voyage when the same is not included in the travel fare. Actual cost of meals on Government transports. A reasonable fee to cabin

and stateroom stewards will be allowed on commercial lines of steamers; the payment of such fees on Government transports is not authorized. Subvouchers, properly receipted, will be required for the above items when the total cost exceeds one dollar. When not practicable to obtain such subvouchers, the officer will so certify.

1474. "Traveling with troops" will be regarded as covering all cases of officers included in orders for movement, in whatever manner, of their appropriate commands or in orders for movement of detachments, escorts, or stores which proceed by marches or by transportation belonging to or especially hired for the purpose by the United States, the idea being that in marches the officers should move as do the troops and that where transportation is specially devoted to the movement it is sufficient for all included therein. But the term will not be regarded as covering cases of officers included in the movement by railroad, stage, or like established lines of conveyances; of detachments of less than ten armed or unarmed men, such as guards and nurses for disabled or insane officers or soldiers; recruiting parties and escorts for inspectors, paymasters, and others, or the public funds or property in their charge, or of officers traveling on troop trains or transports but not ordered to report to the commanding officer nor on duty with the troops or command on board, and such officers are not regarded as traveling with troops within the meaning of the laws and regulations.

1475. In the settlement of the mileage accounts of officers of the Army distances shall be determined and deductions computed over routes established, and by mileage tables prepared by the Paymaster-General of the Army, under the direction of the Secretary of War; and all payments made by paymasters on account of mileage shall be determined in accordance with the distance tables officially promulgated and in use at the date of payment. Exception to this rule will be made only when the terms of the order, or the impracticability of the shortest usually traveled route, compel the officer to take another, or when the journey is performed by a route shorter than that usually traveled. In such cases travel allowances will be computed over the actually traveled route.

1476. Travel allowances will be paid by the chief paymaster of the department in which the journey is completed. The foregoing will not apply to journeys in which delays at intermediate points occur and afford opportunity for the collection of mileage for travel performed to such points.

1477. To entitle an officer to travel allowances the travel must be specifically ordered previous to its commencement, or covered by certificate that the urgency of the duty was such as to prevent his obtaining previous orders, and accompanied by evidence of approval by proper authority. Such order will state the special duty enjoined, recite that the travel therein directed is necessary for the public service, and direct the officer to return to his station upon completion of assigned duty, if such return is contemplated. An order for travel, part of which is to be made with troops, should direct the Quartermaster's Department to furnish transportation for so much of the journey as is to be performed with troops.

1478. Orders will not prescribe lines of travel, except when necessary, and then the reasons will be set forth in the order.

1479. The original order, or certified copy, including indorsements, will accompany each voucher for travel allowances, and when transportation in kind has been furnished, for the whole or for any part of the distance actually traveled, the order must be indorsed by the quartermaster issuing the transportation, showing between what points and over what route such transportation was furnished.

1480. When an officer on leave of absence is ordered to rejoin his station, he will not be entitled to travel allowances unless the public service requires the performance of duty en route, in which case the order will specify the duty, the necessity therefor, and the points at which the duty will begin and end.

1481. When an officer is ordered, while on leave of absence, to accompany a detachment of recruits to the vicinity in which his regiment is serving, and on the completion of this duty to join his company, he returns to a status of leave as soon as relieved from duty with the recruits, and will proceed to join his company without expense to the Government, unless the distance he may have to travel without troops should be in excess of what it would have been had he not received the order.

1482. An officer on leave of absence ordered to temporary duty, involving travel without troops, will receive travel allowances from place of receipt of order to place of performance of duty and return.

1483. When the station of an officer, serving either with or without troops, is changed while he is on leave of absence, he will, on joining his new station, be entitled to mileage for the land travel and actual expenses for the sea travel, if any, as provided by existing laws, only for the excess of distance, from the place of receipt of his order to his new station, over the distance between that place and his old station.

1484. An officer under orders to change station who takes advantage of a leave of absence before he joins his new station is not deprived of the travel allowances to which he would be entitled had he not availed himself of the leave. The leave of absence merely suspends the execution of the order for change of station, and at the expiration of the leave the officer comes under operation of the order, and in obeying it is entitled to full pay for the time necessary to perform the journey from his old to his new station.

1485. An officer relieved from duty at a station and granted leave of absence before assignment to another, who receives an order of assignment before expiration of leave, is entitled to travel allowances from the place where he receives the order to his new station.

1486. An officer traveling on duty in connection with public works (not arsenals, military surveys, or explorations) will receive travel allowances from the appropriation for the work, but if there be no appropriation, he will receive travel allowances from the Pay Department.

1487. In the following cases no expense of travel is allowed: In joining for duty upon first appointment to the military service, or under the first order after a reinstatement or reappointment, or under an order to effect a transfer from one company or regiment to another, made at the request of the officers transferred. Assistant surgeons, graduates of the Military Academy, and officers appointed from the ranks, joining under first order after appointment or commission, are excepted from these provisions.

1488. Allowances for travel of officers summoned before committees of Congress are not proper charges upon the appropriations for the support of the Army.

COMMUTATION OF QUARTERS.

1489. An officer on duty without troops at a station where there are no public quarters, or where the public quarters are inadequate, is entitled to commutation therefor at established rates.

1490. Officers on duty in the War Department, at Army and other general headquarters, attending surgeons and other officers on duty in cities and other places where public quarters are not furnished, but where enlisted men are on duty only as guards, orderlies, clerks, and messengers, and recruiting officers at city stations are regarded as being on duty without troops within the meaning of the laws and regulations.

1491. An officer on duty at a station where he is properly in receipt of commutation of quarters is entitled to the allowance during ordinary leave on full pay, but not during sick leave. If he is relieved from duty at the station and then granted a leave, his commutation ceases.

1492. An officer does not lose his right to quarters or commutation at his permanent station by a temporary absence on duty. While he continues to hold that right and exercises it by constructive occupation or use of any kind, he can not legally demand quarters nor commutation at any other station. Exceptions to this rule can only be made by the Secretary of War.

1493. When the command to which an officer belongs changes stations during his temporary absence on duty he loses his right to quarters from the time his command leaves its old station and does not acquire a right at the new station until he has reported for duty thereat. He is entitled in the meantime to quarters or commutation therefor at the station where he is temporarily serving.

1494. An officer relieved from duty at one station, where he was entitled to commutation of quarters, and assigned to another, is not entitled to such allowance from the date of relief to the date on which he reports in person at the new station.

1495. Officers who, for the convenience of the Government, are directed to await orders for a limited period at a point where there are no public quarters, are entitled to commutation; but an officer ordered to his home to await orders is not entitled to this allowance. An officer ordered to report by letter to a superior does not become entitled to commutation of quarters until he receives a specific order of assignment and reports in person at the station to which assigned.

1496. The first voucher for commutation of quarters at any station must be accompanied by a copy of the order assigning the officer to duty thereat. In subsequent vouchers the paymaster will refer by number, etc., to the voucher with which the order is filed, and the final voucher must be accompanied by the authority for, and must show the date of relief from, such duty.

STOPPAGES.

1497. When an officer has been overpaid, or is indebted to the United States for money or property, or has failed properly to account for the same, the chief of the bureau concerned will promptly notify him of the amount of his indebtedness or his failure to account. If after such notice he does not refund, or make satisfactory explanation, or take proper action within a reasonable time, the matter will be reported to the Secretary of War.

1498. On the order of the Secretary of War, stoppages may be made against the pay of officers for overpayments, illegal disbursement, or loss through fraud or neglect of the public funds, and for deficiencies in, loss of, or damage to, military supplies, unless proof be furnished that the deficiency, loss, or damage was not occasioned by any fault on their part.

1499. The notice of stoppage of officers' pay will be prepared in the form of a monthly circular to paymasters, advising them of stoppages outstanding at its date. This circular will be submitted to the Secretary of War for his approval prior to its publication. When an officer's name is borne thereon, no payment of salary will be made to him which is not in accordance with the stoppage entry made against his name.

1500. Overpayments to an officer will be deducted on the first payment after a notice of stoppage against him is received, even if the pay accounts have been assigned; the assignee takes the account subject to all risks of stoppage.

PAYMENT OF CADETS.

1501. Payment on pay rolls and final accounts will be made to the cadets at the Military Academy by a paymaster, who will turn over the net amount of the rolls and accounts to the treasurer of the Academy.

PAYMENT OF ENLISTED MEN.

1502. Troops will be paid every month unless circumstances prevent, in which case the paymaster charged with the payment will immediately report the facts through his chief paymaster to the Paymaster-General.

1503. Payments will be made as soon after the close of each month as practicable—

1. By paymasters in person; or

2. By check to be sent by registered mail or express, or by currency shipped by express.

The troops at posts where paymasters are stationed and others in their immediate vicinity, to be designated in instructions issued from the Adjutant-General's office, will be paid by paymasters in person.

For posts at which payments are not required to be made in person, the paymaster will transmit the pay due in one or more of the following ways:

1. By individual check, payable to the order of each man, for the exact amount due.

2. By inclosing in a separate sealed envelope the exact amount in currency due each soldier, with his name and the amount inclosed marked thereon.

1504. So far as relates to disbursements at the Philippine Islands and other points, including Alaska, beyond the boundary of the States composing the Union, and for the convenience of the paymaster in obtaining ready money, as well as for the accommodation of both officers and men at such distant places, a check may be drawn for a portion of the pay due the soldier (or officer), in which case it will be drawn in favor of the soldier (or officer), and the object or purpose will be stated as "part pay for month of ——;" if for any sum which the soldier (or officer) may desire in exchange for money after he has been paid, the check will be drawn by the paymaster in favor of himself and indorsed by him payable to the order of the soldier (or officer), and the object or purpose will be stated as "to obtain cash to make payments at a distance from a depository."

1505. Duplicate pay rolls will be duly signed by the men, and forwarded by the commanding officer by mail to the paymaster who has been designated by the department commander to pay the command.

1506. Calculations on the pay rolls are made by the paymaster and copied on the retained roll by the company or detachment commander, who will certify that he witnessed the payment, and will enter thereon the name of the paymaster.

1507. When forwarding the rolls the post commander will furnish the paymaster with the name, rank, etc., of the officer designated to see that the men of the command are paid, and at the same time will state what part of the pay can conveniently be received by the men in individual checks and cashed at or near the post without discount, designating the location of depository on which it is desired that the checks should be drawn, and whether it is desired that the checks be sent by mail or by express. The remainder of the pay will be sent in envelopes.

1508. The paymaster will, as far as practicable, draw the checks on the depository designated; the checks, when not sent by mail, and the money for each organization will be inclosed in separate packages properly marked, and the whole will be consolidated into one package and forwarded by express to the post commander. One of each of the company or detachment rolls, extended to show the amounts to

be paid, will be returned to the commanding officer and by him sent to the proper company commanders.

1509. The paymaster will, in the presence of at least one witness personally, place in each envelope the exact amount of money due the soldier, seal the same, see that the name of the soldier and amount inclosed is marked on the envelope, and that the individual checks and the sealed envelopes are inclosed in one sealed package, upon the outside of which will be indorsed—

1. Name of the organization.
2. Number of checks inclosed.
3. Number of sealed envelopes inclosed.
4. Total amount of pay due and remitted less deposits $———.
   (*a*) By check ..... $———
   (*b*) By currency ..... $———
5. Signature of the paymaster.

All the packages containing checks and sealed envelopes for the several organizations, completed and indorsed as above, will be made up into one parcel and sealed by the paymaster. Upon the outside will be marked the name and address of the post or other command and the names of the subordinate organizations for which pay is therein remitted, and the paymaster will append thereto his signature.

1510. The consolidated package thus marked and addressed to the commanding officer will be turned over to the quartermaster, who will forward the same by express to its destination.

The following are specimen indorsements:

FOR THE COMMANDING OFFICER, FORT LEAVENWORTH, KANS.

Contents of this package.

The pay, less deposits, due for month of September, 1896, for—

N. C. O. and band, 20th Infantry.
Co. A, " "
" B, " "
" C, " "
" D, " "
" E, " "
" F, " "
" G, " "
" H, " "
Troop A, 6th Cavalry.
" B, " "
" C, " "
" D, " "
Hospital Corps Detachment.
Post N. C. Staff.

In making up the contents of this package the provisions of paragraph 1509 of the Army Regulations have been complied with.

JOHN SMITH,
Major and Paymaster.

Pay for Troop F, 8th Cavalry, September, 1896.

Contents.

43 sealed envelopes	$1,000.00
17 checks	563.18
60 remittances	$1,563.18

JOHN SMITH,
Major and Paymaster.

Private Joseph Thompson, Co. A, 20th Infantry.

Contents.

$14.75 in currency.

1511. At places beyond express delivery the post commander, when notified by the paymaster that funds sent by express are to be expected, will send an officer with a suitable escort to receipt for the express package and convey the funds to the post. The name of the officer authorized to receipt for the package will previously have been reported to the paymaster.

1512. When the express package is received at the post it will be opened in the presence of witnesses by the commanding officer, who will observe the condition of the seals, verify the number of company and detachment packages, and see that the marking upon them conforms to these instructions. The separate sealed packages containing the pay for the several companies and detachments will then be delivered to the company or detachment commanders for distribution, which will be made as soon as practicable thereafter; but in no case will such distribution be deferred more than twenty-four hours. The commanding officer will be responsible for the safe-keeping of the packages of funds, from the time of their receipt at the post, until they have been turned over to the company and detachment commanders for distribution.

1513. When a company or detachment is paraded for pay the company or detachment commander will open the package containing the pay for his company or detachment in the presence of at least one witness, who shall be a commissioned officer; or, in the absence of a commissioned officer, the verification and delivery may be witnessed by a contract surgeon. The number of checks in the package and the number of sealed envelopes, purporting to contain the pay of individual soldiers, will be counted, and the agreement of this number with the record made by the paymaster upon the wrapper will be verified by both officers, and the amount marked on the sealed envelope as the pay due each man will be verified by comparison with the pay roll before the distribution begins. As each man's name is called the check drawn to his order will be given to him by his company or detachment commander, or the envelope bearing the man's name will be opened, its contents verified by comparison with the marks on the envelope or with the pay roll, and the money handed to the soldier by said officer, all in presence and under the personal observation of the officer designated to witness the payment.

1514. Should there be a deficiency it will be so certified on the roll by the paying and verifying officers, and should there be an excess the surplus will be returned to the paymaster. In each case a statement of the facts, with appropriate certificates, will be sent to the paymaster by the post commander.

1515. In case of error or informality a statement of the facts as found to exist will be immediately indorsed upon the envelope or wrapper, as the case may be, and the officers present will certify to the correctness of the statement and lay the same before the commanding officer.

1516. The copy of the pay roll of each organization, which the paymaster is required by paragraph 1508 of the Regulations to return to the post, will be re-forwarded to the paymaster by the commanding officer, without delay, after the payment is completed.

1517. Should any error or informality be discovered in a check it will be returned to the paymaster, who will correct the same and return it with the least practicable delay. The roll will be returned to the paymaster after payment of the company with a note thereon, verified by the witnessing officer, stating the facts as to the erroneous check. The receipt of the corrected check will be certified by the company commander to the paymaster who will file such certificate with the pay rolls.

1518. Should the bank or person who cashes the individual check so desire, the company commander will certify to the correctness of the indorsements made by his men upon their respective checks.

1519. Each company commander, after making the payment to the company will so certify on the roll, which he will then transmit to the paymaster. When the paymaster has received this witnessed roll he will send the duplicate to be witnessed and returned. Should it be impracticable, owing to his absence or incapacity, to secure the signature of the witnessing officer to the second roll, any commissioned officer may make upon it an official copy of the witnessing officer's certificate and signature as evidenced by the retained roll.

1520. Should a soldier die or desert in the interval between signing the pay rolls and the receipt of the money at the post from the paymaster the check or cash will be immediately returned to the paymaster, the cash by express, the check by registered mail, and a note of explanation, stating the fact of nonpayment and return of the check or money, will be made on the roll, verified by the signature of the witnessing officer. The same course will be pursued should a soldier decline to receive his pay, or if for any other reason it should be impracticable to deliver it to him in person. When a paymaster has had money returned to him in such cases he will cancel the signature of the soldier on the roll.

1521. When companies or detachments of troops are absent from their stations for an indefinite period, and funds for their payment can not be sent by express, the rolls will be held and not sent to the paymaster until the troops reach some point to which it is practicable to send funds. When a command can be mustered and the rolls completed and duly signed by the men, they can be sent to the paymaster to be made out and held by him until notified where and when the command can be paid. In cases where the rolls have been sent to the paymaster and the troops are sent away from their station before the receipt of funds for their payment, post commanders will not hold the money at their discretion, but will return the rolls and the money to the paymaster unless payment can be made within a reasonable time, not exceeding three days.

1522. Should a soldier decline to receive his pay, or if for any other reason than those mentioned it should be impracticable to deliver it to him, the money or check will be returned to the paymaster without delay, by express or registered mail, the man's signature on the roll canceled, and a note of explanation verified by the signature of the witnessing officer made upon the roll.

1523. Deposits may be made in the usual manner, the amount to be deposited being reported to the paymaster by letter forwarded with the rolls, the soldier's deposit book being also forwarded therewith. Should a man desire to deposit a sum greater than his pay his company commander will see that a proper check, postal order, or express order accompanies his deposit book; if neither check nor order can be obtained the company commander will send the money by registered mail at public expense, verifying the amount and reporting it in a separate communication to the paymaster. Deposit books will be returned by the paymaster to the company commander properly filled in for attestation.

1524. Troops in the field will be paid by currency in envelopes, unless the department commander directs personal payment by the paymaster.

1525. In time of war troops in active campaign will be paid by paymasters in person; troops in garrison may be paid by the paymaster or by checks or currency in envelopes; troops in campaign by either of these methods, as the army or department commander may direct.

1526. Payments to enlisted men will be made on pay rolls, with the following exceptions: Enlisted men retired, and men of the post noncommissioned staff, or acting as such, and sergeants, corporals, and privates of the Signal Corps on duty where there are no other troops. These will be paid on their descriptive lists by the chief paymaster of the department, or a paymaster designated by him; if not

under the orders of the department commander, they will be paid by a paymaster designated by the Paymaster-General. Payments to discharged soldiers will be made by any paymaster under the provisions of paragraphs 1559 to 1566.

1527. All enlisted men present will receipt the pay roll for the amount due them thereon. When a soldier can not write he will receipt by his mark, which will be witnessed by a commissioned officer, or, in the absence of a commissioned officer by a contract surgeon.

REENLISTMENT AND CONTINUOUS-SERVICE PAY.

1528. Reenlistment pay, under section 1282, Revised Statutes, and act of August 1, 1894, will be allowed to all enlisted men at the rate of pay provided for the fifth year of continuous service. One dollar per month of this pay, however, will be retained until the soldier's discharge from such reenlistment, subject to forfeiture unless he serves honestly and faithfully to that date. This reenlistment pay having been once earned by five years' continuous service will be paid to the soldier during all subsequent service, whatever period of time may intervene between enlistment and prior discharge, subject to the same conditions in regard to retention and forfeiture.

1529. Continuous-service pay at the rate of $2.00 per month will be paid to all enlisted men who have served continuously for a longer period than five years, and for each successive period of five years, so long as they shall remain continuously in the Army, an additional monthly allowance of $1.00. A reenlistment after a period exceeding three months from date of discharge does not entitle the soldier to continous-service pay. One or more terms of service rendered prior to August 4, 1854, will be counted as five years' continuous service.

1530. The reenlistment pay of an enlisted man not entitled to continuous-service allowances will be indicated on the muster and pay rolls as "entitled to reenlisted pay." If entitled to both reenlistment and continuous-service pay, then as "$2.00 per month for five years' continuous service;" "$3.00 per month for ten years' continuous service;" "$4.00 per month for fifteen years' continuous service," etc.

ALLOTMENTS OF PAY BY ENLISTED MEN.

1531. Every soldier in the Army of the United States absent on distant duty shall be allowed to allot such portion of his pay as he may desire for the support of his family or relatives, for his own savings, or for any other purpose.

1532. As soon as possible after the receipt of an order for distant duty the commanding officers of troops, batteries, companies, bands, noncommissioned staff, signal and hospital corps, or any other detachments affected by this order, shall report to the Paymaster-General, United States Army, on prescribed blanks, the names of all men of their organizations who desire to make allotments, and thereafter, on the last day of each month, said commanding officers shall report, on prescribed blanks, to the Paymaster-General, United States Army, the names of all men of their organizations who during the month begin an allotment period. These reports shall be forwarded by registered mail, and on their receipt the Paymaster-General shall make acknowledgment to the respective commanding officers, stating the names of grantors and the amounts and periods of the allotments.

1533. All allotments shall be executed in duplicate and witnessed by the respective commanding officers specified in paragraph 1532, one copy to be retained by said commanding officers and the other to be forwarded immediately to the Paymaster-General, United States Army. An allotment shall be made payable on the last day of each month and for a stated period.

1534. On the death, discharge, or desertion of a soldier who has an allotment running the allotment ceases. In case of forfeiture by sentence of a court-martial,

the allotment, or so much thereof as is required to meet said forfeiture, will be suspended during the period of the sentence, and the immediate commanding officers will report as expeditiously as possible to department and corps commanders the names of grantors whose allotments thus cease or are suspended, as well as cases of reduction in grade of a soldier who has made an allotment whereby his pay has become less than the amount he has allotted, and the department or corps commander will promptly telegraph such notifications to the Paymaster-General.

1535. On the last day of each month the commanding officers specified in paragraph 1532 shall submit to the Paymaster-General, on prescribed blanks, a report of allotments, if any, to be discontinued in the month next succeeding, and such allotments as are to be discontinued by the act of the grantor or by reason of paragraph 1542 shall be payable for one month from the date of such report. Upon the receipt of this report the Paymaster-General shall at once acknowledge the same to the said commanding officers.

1536. Payment to allottees shall be made by one or more paymasters, to be designated by the Paymaster-General, United States Army. Said disbursing officer shall, before making payment of such allotment, use, or shall have used, due diligence in obtaining and making use of all information that may have been received in the War Department relative to the grantors of the allotments.

1537. If an erroneous payment is made because of the failure of an officer responsible for such report to report, in the manner prescribed by the Secretary of War, the death of the grantor, or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Paymaster-General from the officer who fails to make such report, if such collection is practicable.

1538. All allotments of pay of enlisted men that have been or shall be paid to the designated allottees, after the expiration of one month subsequent to the month in which said allotments accrued, shall pass to the credit of the disbursing officer who has made or shall make such payment.

1539. In case of the capture by the enemy of soldiers who have made allotments which may expire after their capture, the monthly payments of the same shall be continued until otherwise ordered by the Secretary of War.

1540. In case of the transfer of a soldier whose period of allotment still continues, all the data respecting said allotments shall be entered on his descriptive list, and the commanding officer of the troop, battery, or company from which he is transferred shall at once report such transfer to the Paymaster-General, United States Army.

1541. The date, period, and amount of allotment shall be entered as a part of the soldier's record in the descriptive book and also noted on each pay roll during the period of allotment. The discontinuance or suspension of an allotment shall be similarly entered and noted.

1542. When the grantor of an allotment is soon entitled to discharge and is so much in debt to the United States that it will require the whole or a part of his allotted pay to cancel his obligation, this allotment shall be terminated in the prescribed manner.

1543. Upon receiving information of the death of any person to whom an allotment is payable by him, the paymaster properly designated to pay this allotment shall at once report this fact to the Paymaster-General, United States Army, who shall forthwith inform the grantor's immediate commanding officer.

1544. When an allotment is discontinued, at the request of the person making it, before the expiration of the term for which it is granted, it shall not be renewed within that term except by permission of the regimental or post commander, on satisfactory reasons being given for such discontinuance and renewal.

FORFEITURES AND DEDUCTIONS.

1545. The paymaster will deduct from the pay of all soldiers 12½ cents per month for the support of the Soldiers' Home, the same to be deducted bimonthly on the February, April, etc., rolls. At the time of payment he will also deduct the authorized stoppages entered on the pay rolls, descriptive lists, or final statements.

CERTIFICATE OF MERIT.

1546. A certificate of merit granted to an enlisted man for distinguished service entitles him, from the date of such service, to additional pay at the rate of $2.00 per month while in the Army, although such service may not be continuous.

DEPOSITS.

1547. Any enlisted man, not retired, may deposit his savings with any paymaster in sums not less than $5.00, the same to remain so deposited until final payment on discharge. The paymaster will furnish the depositor with a book, in which each deposit, with name of depositor, date, place, and amount, in words and figures, will be entered in the form of a certificate, signed by the paymaster and company commander. The company commander will keep in the company record book an account of every deposit made by the soldier; and after each regular payment he, and all officers having charge of detachments of enlisted men at date of deposit, will transmit direct to the Paymaster-General a list of names of depositors, showing in each case the date, place, and amount of deposit, and name of paymaster receiving the same. Each report will be restricted to, and will include only deposits with, a single paymaster on a given date. These lists, before transmittal, will be examined and compared with the record of deposits on the company or detachment book and the deposit book of the soldier. Should a soldier who has made a deposit be transferred or desert, the fact will be promptly reported direct to the Paymaster-General by the officer in command of the company or detachment to which he belonged. In case of transfer, his descriptive list will be made to exhibit the date and amount of each deposit.

1548. On the discharge of a soldier, the date and amount, in words and figures, of each of his deposits will be entered upon his final statements, and his deposit book will be taken up by the paymaster who pays him and filed with the voucher of payment. In case deposits are forfeited by desertion, the amounts of the same will be entered on the final statements under the head "Remarks," and the facts and authority for such forfeiture given.

1549. Before delivering final statements upon which deposits are credited, the officer signing them will ascertain whether the soldier has the deposit book; and, if so, instruct him to present it to the paymaster. Should he claim to have lost it, the officer will cause his affidavit to that effect to be taken and attached to the statements. The affidavit will clearly state the circumstances attending loss of the book, and show that the soldier has not sold or assigned it. Upon this evidence the paymaster may pay, and the responsibility for the correctness of amounts credited on the statements will rest with the officer certifying them.

1550. Paymasters will not pay deposits except on final statements. When they are not paid, the soldier should forward his deposit book or the evidence referred to in the preceding paragraph to the Paymaster-General. Enlisted men should be informed of the importance of preserving deposit books as the only certain means of insuring prompt repayment.

1551. A soldier must draw his deposit when he is discharged. He can then renew it after reenlistment, and will be entitled to interest from date of such renewal. Failure to present the final statements for payment leaves the money without interest until drawn and again deposited.

1552. For any sum of not less than five dollars deposited for the period of six months or longer, the soldier, when discharged, will be paid interest at the rate of 4 per cent per annum to date of discharge.

1553. On the death of a soldier, each deposit, with amount, date, place, and paymaster with whom deposited, will be noted in the inventory of his effects and on the accompanying final statements with which his deposit book will be filed.

1554. Both deposits and interest will be forfeited by desertion, but are exempt from forfeiture by sentence of court-martial and from liability for the soldier's debts.

1555. If an enlisted man deposits money with the company or post commander, the same to be applied for purchase of his discharge, the officer will immediately upon receipt of order for discharge of the man forward the money to a paymaster for deposit under paragraph 156 of the Regulations, and send to the Paymaster-General the usual notification of deposit (Form 16, A. G. O.). On return of the deposit book by the paymaster, the final statements can be completed by notation of the deposit thereon, thus showing on their face the total credit of the soldier.

PAY OF DESERTERS.

(See Art. XIX.)

1556. An enlisted man charged with desertion will not receive pay until his offense has been investigated by a court-martial, or he has been restored to duty without trial, or the charge has been set aside as having been erroneously made.

1557. Every deserter forfeits all pay and allowances due at the date of desertion. Stoppages and forfeitures then due will be deducted from his arrears of pay, and, if not so satisfied, from pay due after apprehension. The company commander will note upon the first muster roll after apprehension all data necessary to a complete settlement of the soldier's account from the date of last payment, and will carry the account to subsequent rolls until the settlement is made.

1558. No settlement of the pay account of any enlisted man will be made on the rolls until sufficient pay shall have accrued to satisfy all dues to the United States and pay a balance to the soldier. The required data will include date of last payment, desertion, and apprehension, credits at date of desertion on account of clothing, unsatisfied forfeitures under prior sentences, and dues to the United States at date of desertion on account of clothing, subsistence, ordnance, etc. If, while absent in desertion, he illegally enlisted in another organization, the date of last payment in such enlistment and all stoppage due the United States at date of surrender or apprehension will be stated.

PAYMENT OF DISCHARGED SOLDIERS.

(See Art. XXI.)

1559. Discharged soldiers will be paid on final statements prepared in duplicate and furnished to them by their company or detachment commanders. Payment will be made only on presentation of both copies. Except when notified as prescribed in paragraph 166, paymasters will not pay discharged soldiers, unless otherwise satisfied of the genuineness of the discharge papers and the identity of the claimants.

1560. Upon payment of the final statements of a discharged soldier, the paymaster will write on the discharge "Paid in full," with his signature, noting amounts paid, except when the final statements have been transferred and are not accompanied by the discharge. The day of enlistment and the day of discharge will both be included in reckoning pay.

1561. Paymasters, or other officers to whom a discharged soldier reports the loss or nonreceipt by him of final statements to which he is entitled, will report the fact to the Paymaster-General, with any evidence the soldier furnishes them in the matter. The Paymaster-General will transmit the evidence to the Auditor for the War Department.

1562. An enlisted man when discharged from the service, except by way of punishment for an offense, shall receive four cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service, except that for all sea travel on discharge transportation and subsistence in kind only shall be furnished to him as prescribed in paragraph 1421.

1563. Paymasters when paying final statements of soldiers discharged under above conditions will include in such payments travel allowances from station to port of embarkation and from port of arrival in the United States to place of enlistment or enrollment.

1564. An enlisted man discharged for minority concealed at enlistment, or for other cause involving fraud on his part in the enlistment, is not entitled to pay and allowances, including those for travel, and will not receive final statements unless deposits or detained pay are due him, in which case final statements, containing only a list of his deposits or the amount of detained pay, will be furnished.

1565. Recruits are entitled to pay and allowances when discharged on certificates of disability. When discharged for any cause involving fraud on their part at enlistment, paragraph 1564 will govern.

1566. The transfer by an enlisted man of a claim for pay due on his final statements will be recognized only when made after discharge, in writing, indorsed on the final statements, signed by the soldier, and witnessed by a commissioned officer or by some other reputable person known to the paymaster. The person witnessing the transfer must indorse on the discharge the fact of transfer of the final statements, and on the final statements the fact that such indorsement has been made on the discharge.

MISCELLANEOUS.

1567. When a paymaster has made an incorrect payment to an enlisted man, he will report the fact to the commander of the company in which the man is mustered, who will note the same on the next muster and pay roll, that it may be corrected.

1568. Authorized stoppages will be entered on the rolls and paid in the following order:

1. Reimbursements to the United States for the loss or damage to arms, equipments, or other public property, the nature of which will be clearly stated, extra issues of clothing, transportation, subsistence, expense of apprehending deserters.
2. Amounts paid post exchange and laundrymen at recruit rendezvous.
3. Reimbursements to individuals (as the paymaster, for instance).
4. Forfeitures for desertion, and fines by sentence of court-martial.
5. Articles of camp and garrison equipage must be charged on the pay rolls as such; and other articles of quartermaster's stores or property must be enumerated, and the price stated in the column of "Remarks," in order that the proper appropriation may be credited with the amounts collected.

1569. Officers of the Pay Department will not give receipts except in the following cases:

1. For transfers of money.
2. For money of deceased soldiers or of deserters.
3. For stoppages authorized by the Secretary of War, for which the Paymaster-General may direct receipts to be given.
4. For refundments made by officers on account of overpayments made by paymasters.

In all other cases the party turning over or refunding money should place it in some authorized public depository or transfer it to a disbursing officer of the department to which the money belongs.

ARTICLE LXXXI.

Medical Department.[1]

GENERAL PROVISIONS.

1570. The Medical Department, under the direction of the Secretary of War, is charged with the duty of investigating the sanitary condition of the Army and making recommendations in reference thereto, with the duty of caring for the sick and wounded, making physical examinations of officers and enlisted men, the management and control of military hospitals, the recruitment, instruction, and control of the Hospital Corps and of the Army Nurse Corps (female), and furnishing all medical and hospital supplies, except for public animals.

1571. The surgeon, under the direction of the commanding officer, will supervise the hygiene of the post or command, and recommend such measures as he may deem necessary to prevent or diminish disease. He will examine, at least once a month, and note in the medical history of the post the sanitary condition of all public buildings, the drainage, the sewerage, amount and quality of the water supply, the clothing and habits of the men, and character and cooking of the food, and immediately after such examination will report thereon in writing to the commanding officer, with such recommendations as he may deem proper. The commanding officer will return the report, with his views and action indorsed thereon, and if he deem the action recommended impracticable or undesirable, will state fully his objections. The indorsement will be recorded in the medical history of the post, and the report and indorsement will be forwarded by the surgeon, through military channels, to the Surgeon-General.

APPOINTMENTS.

1572. No person will be appointed an assistant surgeon in the permanent establishment unless he has been examined and approved by a board consisting of not less than three medical officers designated by the Secretary of War; and no person will be appointed a surgeon unless he has served five years as an assistant surgeon in the Army, and has been examined and approved by a board consisting of not less than three medical officers of the Army, designated as aforesaid.

1573. No allowance will be made for the expenses of persons undergoing examination, but those who receive appointments will be entitled to travel allowances in obeying the first order assigning them to duty.

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[1] Regulations for the government of the Medical Department, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Surgeon-General. Only such regulations are herein given as are general in their nature or affect other branches of the service.

CONTRACT SURGEONS, CONTRACT DENTAL SURGEONS.

1574. Civilian physicians and dentists may be employed as contract surgeons and contract dental surgeons under contracts entered into by, or with the authority of, the Surgeon-General of the Army. They are entitled to the transportation and fuel allowances of first lieutenants, and when on duty at a post or station where there are public quarters belonging to the United States shall receive the quarters in kind allowed by law to an assistant surgeon of the rank of first lieutenant; they are not entitled to commutation of quarters, nor to the ten per centum increase of pay when serving beyond the territorial limits of the United States.

1575. Contract surgeons are entitled to the same protection in their positions and the same respect and obedience from enlisted men as commissioned officers.

1576. Whenever the contract of a physician or dentist is annulled, the fact and date of annullment will be noted in writing on his contract, and when ordered to his home for annullment of contract, such fact will also be noted thereon by the officer under whose orders he may at the time be serving.

1577. The services rendered by a contract surgeon are not restricted to those of a purely professional character; on the contrary, his eligibility for duty is the same as that of an assistant surgeon, except in so far as it is limited by the fact that he is not a commissioned officer. A contract surgeon is accordingly not eligible for detail on courts-martial, but he may be detailed on councils of administration, boards of survey, and as post treasurer, etc., and may witness payments to enlisted men under the provisions of paragraph 1502 to 1527 of the Regulations.

CONTRACT DENTAL SURGEONS.

1578. Candidates for appointment as dental surgeons must be not less than twenty-four nor more than forty years of age. They must be graduates of standard medical or dental colleges, trained in the several branches of dentistry, of good moral and professional character, and, prior to appointment, will be required to pass a satisfactory professional examination before a board of dental surgeons to be convened for that purpose by the Secretary of War.

1579. Contracts with dental surgeons will be made for three years, but may be annulled at any time by the commanding general of a military department, after official investigation, for conduct to the prejudice of good order and military discipline, or by the Surgeon-General when in his opinion a termination of the contract would be in the interests of the service.

1580. Dental surgeons are attached to the Medical Department, and will be assigned to duty in accordance with the recommendations of the Surgeon-General of the Army or the chief surgeon of a military department.

1581. A dental surgeon when assigned to a station will apply to the post commander for a suitable operating room. If no other room is available, the surgeon of the post may assign him a room in the hospital.

Each dental surgeon will ordinarily be allowed one enlisted man as an assistant, who will be detailed from the acting hospital stewards or privates of the Hospital Corps, and whose duty it will be to assist the dentist in his operations, in caring for the instruments and other public property, in keeping the records, and in the performance of such other official work pertaining to this position as he may be directed by the proper authority to do. A member of the Hospital Corps detailed as dentist's assistant and stationed in a city or town will be allowed commutation of rations at the rate prescribed by the Regulations, and will be provided with a suitable room as quarters by the Quartermaster's Department, but when stationed at a post, in camp, or in the field, he will be attached to the Hospital Corps or other organization for rations and quarters.

1582. Necessary dental instruments and supplies will be purchased by medical supply officers under instructions from the Surgeon-General, and in accordance with a supply table to be approved by the Secretary of War. Dental surgeons will be held strictly responsible for all instruments and supplies issued to them, and will be governed by army regulations and orders now in force, or hereafter to be issued, with reference to accountability for Government property.

1583. In accordance with the act of Congress authorizing their employment, dental surgeons will "serve the officers and enlisted men of the Regular and Volunteer Army." The families of officers and civilian employees attached to the Army are not entitled to their services. In this connection acting assistant surgeons are to be regarded as officers.

1584. Dental surgeons will operate between the hours of 9 a. m. and 4 p. m. upon those officers and enlisted men only who are entitled to their services. They may operate upon others, not entitled to free service, before and after these hours, when their services are not required by those entitled to them, but material issued to them by the Government will only be used in operations upon officers and enlisted men of the Army.

1585. Dental surgeons will not perform any operation upon officers or enlisted men of the Army or prescribe medicines for them, other than those necessary for the treatment of the teeth and gums. This prohibition does not apply to cases of emergency, where no medical officer is within reach, and where a dental surgeon is able to render necessary surgical assistance to meet the immediate emergency.

1586. Emergency work, whether for officers or enlisted men, should always have precedence. Plate work, or restoration of teeth by any method, will only be done for those who have lost teeth while in the service and in the line of duty. For plate work or filling teeth only the cheaper materials will be supplied, but gold may be used if the operating dentist sees fit to use it, at the expense of the individual operated upon.

1587. Enlisted men requiring the services of the dental surgeon will, at an hour prescribed by the commanding officer, be conducted to the designated place under a noncommissioned officer, who will take with him and hand to the dentist a list of those reporting for treatment. This list will be entered in a daybook ruled in columns for Surname, Given name, Rank, Co., Regt., etc., the headings to be the same as those borne on his monthly report.

1588. All cases requiring treatment involving future appointment will be so noted, and the others will be marked according to the circumstances, as "Treatment unnecessary," "Further treatment unnecessary," "Should be sent to surgeon," etc. When future treatment is necessary. the dentist will forward a card, as follows:

——— ———, 19—.

The ADJUTANT,

———.

SIR: I have the honor to ask that ——— ——— be directed to report to me from —— m. to —— m. on —— inst., for treatment.

Very respectfully,

——— ———, *Dental Surgeon.*

1589. Dental surgeons will submit a monthly report in duplicate (on prescribed blanks) of all official work done by them, giving all required data in every case in which professional services have been rendered. This report will be an exact copy of the register kept for the period; one copy will be sent on the last day of the month to the Surgeon-General and one to the chief surgeon of the department in which the dental surgeon is serving.

THE HOSPITAL CORPS.

1590. The members of the Hospital Corps will be enlisted for and permanently attached to the Medical Department. In time of war the corps will perform the necessary ambulance service under such officers of the Medical Department and assistants as may be detailed for that duty.

1591. No person will be appointed a hospital steward until he has served a year as acting hospital steward, or as a hospital steward of volunteers, or acted in that capacity, during and since the Spanish-American war for more than six months; nor will a steward be appointed by the Surgeon-General of the Army or an acting steward be detailed by the Surgeon-General or the chief surgeon of a division or department until he has passed a satisfactory examination, under their direction. The promotion of privates of the Hospital Corps may be recommended to the Surgeon-General or the chief surgeon by the medical officer commanding the detachment. From those thus recommended acting stewards will be detailed after passing the required examination. These examinations will be conducted by a board composed of three commissioned medical officers of the station at which the applicant may be serving, or of such a number of medical officers less than three as may be present, and if no medical officer is there on duty the candidate will be sent for examination to the nearest station provided with such an officer. The report of the board will be forwarded direct to the Surgeon-General or the chief surgeon. Hospital stewards are furnished with a warrant signed by the Surgeon-General, and acting hospital stewards with a warrant signed by the Surgeon-General or by a division or department chief surgeon.

1592. A hospital steward may be reenlisted at the expiration of his term of service on the authority of the Surgeon-General, provided he has passed successfully the prescribed examination. If he desire to reenlist he will report the fact, in writing, through military channels, to the Surgeon-General sixty days before the expiration of his term of service.

1593. A hospital steward stationed at a place where no post return is made will make such personal reports as the Surgeon-General may direct.

1594. Hospital stewards, though liable to discharge, will not be reduced. Acting hospital stewards may be reduced by sentence of a general court-martial, by the Surgeon-General, or by the chief surgeon of a division or department.

1595. Department commanders, upon the recommendation of the chief surgeon of their respective departments, are authorized to detail privates of the Hospital Corps as acting hospital stewards, after examination as now required by Regulations: *Provided, however*, That the allowance of acting hospital stewards and privates of the Hospital Corps, as fixed for each of the respective commands in a military department, shall not be exceeded except by special authority from the Secretary of War.

1596. The commander of an army corps, or of a division or brigade acting independently of a corps, is charged with the full control of the transfer from the line, the enlistment, reenlistment, and discharge of members of the Hospital Corps of his command, with the detail of acting hospital stewards and the appointment of hospital stewards.

1597. Enlistments and reenlistments for the Hospital Corps will be made, as a rule, by medical officers. Recruiting officers stationed where there is no medica examiner may make such enlistments or reenlistments upon the authority of the Surgeon-General. In such cases the recruiting officer in making the physical examination will be guided by instructions from the Surgeon-General. Applicants may be accepted who are subject to refractive errors of vision, provided these errors are not excessive, may be entirely corrected by glasses, and are not progressive or accompanied by ocular disease. Accepted recruits will be forwarded to a station to be designated by the Surgeon-General.

1598. The enlistment papers of all other members of the corps will be forwarded, with the form for physical examination, direct to the Surgeon-General, who will render to the Adjutant-General of the Army a monthly recruiting return accompanied by one of each set of enlistment papers.

1599. Enlisted men who are serving in the line may be transferred to the Hospital Corps as privates. Musicians are not eligible. Transfers will be made by the department commander upon the application of the post surgeon, approved by the post commander, stating age, character, physical condition, and habits of the soldier, whether for existing or prospective vacancy, and the date of expiration of current enlistment. If the soldier be over forty years of age, his special qualifications for transfer will be stated.

1600. Married men will not be enlisted as privates in or transferred to the corps, and no acting steward who is married shall be reenlisted without special authority.

1601. Members of the corps will not be required to perform any military duties other than those pertaining to their corps. They will be instructed in such drills, both foot and mounted, as are necessary for their efficiency. They will not be required to attend ceremonies, except when directed by the commanding officer, and will ordinarily be inspected and mustered at the hospital. The forms of inspection will be in accordance with the prescribed drill regulations for the Hospital Corps.

1602. To meet the requirements of epidemics or other emergencies and to fill vacancies, members of the Hospital Corps may be transferred by the department commander, the quota of each post, as prescribed by paragraphs 1605 and 1606, not being permanently exceeded. Such transfers will be reported to the Surgeon-General.

1603. Accounts of pay and clothing of members of the Hospital Corps will be kept by the surgeon under whose immediate direction they are serving. All members casually at a post are under the immediate orders of the surgeon except prisoners, who will, however, be borne on the muster rolls, morning report, and returns of the Hospital Corps detachment. If discharged their final statements will be prepared by the surgeon.

1604. All members of the Hospital Corps will be equipped with canteen complete, haversack complete, waist belt and plate, one-half shelter tent complete, and the privates also with Hospital Corps pouch and litter sling. This equipment will be issued to the man, charged to him on the descriptive book, and when station is changed will be noted on the descriptive list, dropped from the property returns by the responsible medical officer and taken up by the medical officer to whom the man reports, both of whom will notify the respective departments to which the property pertains accordingly.

1605. At every permanent military post there will be at least one noncommissioned officer of the Hospital Corps, and an additional noncommissioned officer for every additional four privates of the Hospital Corps.

1606. At every permanent military post there will be at least four privates of the Hospital Corps, six privates when the strength of the garrison is 200, and two privates additional for every additional 100 of strength. They will be assigned to the respective duties connected with the hospital service by the surgeon of the post.

1607. The number of noncommissioned officers and privates of the Hospital Corps to be stationed at general hospitals, arsenals, engineer stations, and independent posts will be determined by the Surgeon-General under the direction of the Secretary of War.

1608. Special instruction in the duties of litter bearers and the methods of rendering first aid to the sick and wounded will be given to all enlisted men of the line of the Army by their company officers for at least four hours in each month, except that such instruction for officers and enlisted men of the seacoast artillery will be limited to one hour per month. Company commanders will be supplied from the Surgeon-General's Office with the Drill Regulations for the Hospital Corps, and the surgeon of the post, under the direction of the post commander, will thoroughly instruct all company officers serving with troops in the professional knowledge required.

1609. All men of the Hospital Corps will be instructed under the supervision of the surgeon of the post for at least eight hours in each month in the duties of litter bearers and the methods of rendering first aid to the sick and wounded, and in the various subjects pertaining to the sanitary soldier.

GARRISON SERVICE.

Ambulances and Litters.

1610. Ambulances are vehicles provided for the service of the Medical Department. They will be used only for transportation of the sick and wounded, the recreation of convalescent patients, or to give instruction in the duties of the ambulance service. They will be furnished and repaired by the Quartermaster's Department, will always be subject to the call of the surgeon, and, when practicable, will be housed near the hospital.

1611. One regulation ambulance with proper harness will be issued to each post. To posts of more than 400 men, the number to be issued will be one additional ambulance for each additional 400 men or major fraction thereof.

1612. At each post one of the privates of the corps will be designated by the surgeon as ambulance driver. In addition to his other duties, he will care for the ambulance, its equipment and harness, and see that they are always in readiness for immediate use. In the field he will care for the animals. When it is necessary to use the ambulance for any transportation purposes, the commanding officer, on the application of the surgeon, will see that the requisite animals are provided by the quartermaster and placed at the disposal of the surgeon.

1613. Each company will be furnished with one hand litter, which will be kept ready for use at all times. It will be supplied and repaired by the Quartermaster's Department.

1614. Travois, mule litters, etc., may be issued upon the recommendation of the chief surgeon.

1615. Commanding officers will inspect ambulances, litters, and other appliances for transporting the wounded at each monthly inspection, and see that they are completely equipped. When practicable, the ambulance fully equipped for service will be presented for inspection, with the animals attached.

FIELD SERVICE.

1616. In field service troops will be accompanied by such number of men of the Hospital Corps as may be determined by the post commander, on the recommendation of the surgeon.

1617. On the march each medical officer will habitually be attended by a mounted private of the Hospital Corps. Hospital stewards, acting stewards, and at least one private of the corps in each separate command will be mounted when serving in the field, and all privates of the corps will be mounted when serving with mounted commands. Horses will be furnished by the Quartermaster's Department for members of the corps on duty in the field when practicable. When no horses are available, special application for authority to hire must be made.

1618. Ambulances will be used for the transportation of the sick and injured, the instruction of the Hospital Corps and company bearers, and in urgent cases, for the transportation of medical supplies, and all persons are prohibited from using them, or requiring or permitting them to be used, for any other purpose. It shall be the duty of the officers of the ambulance service to report to the commander of the troops any violation of the provisions of this paragraph.

1619. No person, except the proper medical officers or the officers, noncommissioned officers, and privates of the ambulance service, or such persons as may be

specially assigned by competent military authority to duty therewith, will be permitted to take or accompany sick or injured men to the rear, either on the march or elsewhere.

1620. When members of the Hospital Corps are detailed for service in the field during Indian wars, or when left with the sick or wounded under circumstances which justify the expectation that their rights as noncombatants under the Geneva Convention will not be recognized, commanding officers will issue to members of the Hospital Corps revolvers or other available firearms.

GENERAL HOSPITALS.

1621. General hospitals will be under the exclusive control of the Surgeon-General and will be governed by such regulations as the Secretary of War may prescribe. The surgeon in charge will command the same and will not be subject to the orders of local commanders other than those of territorial departments.

1622. Hospital transports, boats, and railway trains, after being properly assigned as such, will be exclusively under the control of the Medical Department, and will not be diverted from their special purposes by orders of local or department commanders or officers of other staff corps.

1623. The Army and Navy General Hospital, Hot Springs, Ark., is under the direction of the Secretary of War, and is devoted to the treatment of the officers and enlisted men of the military and naval service of the United States, the officers of the Revenue-Cutter Service and of the Marine-Hospital Service, and honorably discharged soldiers and sailors of the Regular and Volunteer Army and Navy of the United States, for such diseases as the waters of the Hot Springs of Arkansas have an established reputation in benefiting, except that cases of venereal disease will not be admitted.

1624. Admission to this hospital is restricted to those of the above-named classes who require medical treatment, in the following order of preference: (1) Officers and enlisted men of the Army, the Navy, and the Marine Corps on the active lists, and cadets at the Military and Naval academies; (2) officers and enlisted men of the Army, the Navy, and the Marine Corps on the retired lists; (3) officers of the Revenue-Cutter Service and of the Marine-Hospital Service; (4) honorably discharged soldiers and sailors of the Regular and Volunteer Army and Navy of the United States may also be admitted by authority of the Surgeon-General when there are vacant beds in the hospital.

1625. Enlisted men on the active list, while under treatment or on duty in the hospital, shall have the usual allowance of rations commuted at the rate of not to exceed 40 cents a day for enlisted men of the Army, and 30 cents a day for enlisted men of the Navy, to be paid to the senior medical officer by the proper officers of the War and Navy Departments upon the receipt of monthly statements of amounts duly certified by the Surgeon-General of the Army.

1626. Enlisted men of the Army, the Navy, and the Marine Corps on the retired list, and honorably discharged soldiers and sailors of the Regular and Volunteer Army and Navy of the United States will pay for subsistence at the rate of 40 cents per day.

1627. The general hospital at Fort Bayard, N. Mex., is under the direction of the Secretary of War, and is set apart as a sanitarium for the treatment of officers and enlisted men of the Army suffering from pulmonary tuberculosis. Hereafter trans-

fers of enlisted men suffering from this disease may be made to this hospital upon the recommendation of medical officers of the Army (to be forwarded through military channels).

SERVICE OF HOSPITALS.

1628. The senior surgeon is charged with the management and is responsible for the condition of the hospital, which will be at all times subject to inspection by the commanding officer. The senior surgeon of the post will inspect the hospital every morning, and on Saturday will also inspect the detachment of the Hospital Corps.

1629. The surgeon of the post will assign his assistants and the members of the Hospital Corps to duty, and report them on the muster rolls in the capacity in which they are serving. With the approval of the commanding officer he will also appoint the matrons.

1630. Hospital matrons will be allowed at hospitals at posts and arsenals, in numbers to be fixed by the Surgeon-General.

1631. Patients will, if possible, leave their arms and accouterments with their companies.

1632. When a soldier in hospital is detached from his company, his company commander will send to the hospital his descriptive list. The surgeon in charge will enter thereon all payments, stoppages, and the money value of all clothing issued, and when the soldier is returned to duty, transferred, discharged, dies, or deserts, a new descriptive list containing a complete statement of his accounts will be sent to his company or other commander, and the original will be retained by the officer in command of the hospital for his own protection. If the soldier is discharged from the service while in hospital, the surgeon will furnish him with final statements and notify the Adjutant-General of the Army and the company commander of the date, place, and cause of discharge. If the soldier die in hospital, the surgeon will take charge of his effects and make the reports required in paragraph 175.

1633. Sick or wounded soldiers, discharged while in hospital, will be entitled to medical treatment in hospital, and to the usual ration during disability, or for the period considered proper for them to remain under treatment, but a discharged soldier who has left the hospital will not be readmitted except upon the written order of the commanding officer.

1634. Recently discharged soldiers, needing hospital treatment, who arrive in New York City or San Francisco on Government transports, may be sent to one of the post hospitals in the vicinity of that city, and rations in kind drawn for them while undergoing treatment.

1635. Tents, clothing, hospital furniture, and other stores used in the treatment of contagious diseases, will be disinfected or burned upon the recommendation and under the supervision of a medical officer.

1636. The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace articles destroyed by order of the proper medical officer to prevent contagion.

1637. Medical officers in charge of hospital property will not permit it to be used for other than hospital purposes.

1638. Civilian employees at military posts, including the employees of post exchanges, may purchase the medical supplies prescribed for them by a medical officer at cost price with 10 per cent. added. Medical officers who dispense medical supplies to civilian employees will render direct to the Surgeon-General, on the first day of every month, detailed accounts in duplicate, giving the name of each employee, the kind and quantity of medical supplies furnished him, and by whom prescribed, during the preceding month, leaving a space between items for the insertion of the price, which will be fixed at the Surgeon-General's Office. One copy will

be returned to the officer furnishing the supplies, and the amounts inserted will be collected by the officer accountable for them, and be disposed of in the same manner as proceeds of other sales of medical property. At isolated posts where issues to civilians become necessary to save life or prevent extreme suffering, medical officers will make such issues, and at the end of each month report the circumstances to the Surgeon-General. Original prescriptions will be retained as a part of the hospital records, and will be subject to examination at all times by inspectors and post commanders.

1639. A civilian employee on duty at a station where other than Army medical attendance can not be procured, is entitled, when necessary, to admission to hospital.

1640. Civilians not in public service will be admitted to hospital only in cases of extreme necessity, and by permission of the commanding officer on written application of the surgeon. Rations will not be issued to them by the commissary, but their food will be purchased from the hospital fund, and the surgeon may remit all charges in cases of destitution.

1641. Hospital charges will be as follows: For subsistence of a retired enlisted man, 40 cents per day; for nursing, medicines, and subsistence of a civilian employee, 40 cents per day; for officers of the Army, seamen, and river boatmen (admitted only on permit issued by a medical officer of the Marine-Hospital Service or a customs officer), and civilians admitted as provided in the preceding paragraph, $1 per day. The money received will be accounted for with the hospital fund.

1642. The surgeon of the post will keep, account for, and expend the hospital fund according to the instructions of the Surgeon-General, exclusively for the benefit of the sick in hospital and the enlisted men of the Hospital Corps serving therein.

1643. Medical and official publications furnished from the Surgeon-General's Office to surgeons in charge of hospitals will be properly filed and preserved in the hospital library. The expense of binding these publications and those issued to chief surgeons will be defrayed by the Medical Department, and they will be transported to and from the medical supply depots by the Quartermaster's Department.

HOSPITAL BUILDINGS.

1644. A building will not be erected for or occupied as a hospital until the opinion of a medical officer has been obtained in writing upon the suitableness of site and proposed arrangement. If the commanding officer dissent from this opinion he will return it to the surgeon of the post with his reasons indorsed thereon, who will forward it, through military channels, to the Surgeon-General of the Army.

1645. Hospitals will be erected at permanent posts in accordance with plans and specifications furnished by the Surgeon-General, approved by the Secretary of War.

1646. When alterations of or additions to hospitals are necessary, the surgeon of the post, after obtaining from the quartermaster an estimate of cost, will transmit plans and specifications, with proposed modifications, through military channels to the Secretary of War. Similar action will be taken upon quarters for hospital stewards.

1647. When hospitals or hospital stewards' quarters are erected or repaired, the officer conducting the work will consult the surgeon of the post, who will inspect the work during its progress, and when a building is ready for occupancy the surgeon will report as to its merits to the Surgeon-General through the regular channel, and furnish a copy of the report to the constructing officer.

1648. The surgeon, after obtaining from the quartermaster necessary data as to the amount of labor, quantity of material, and cost, will forward as soon as practicable after March 1 of each year, through military channels, to the Secretary of War, an estimate of repairs, alterations, or additions needed on hospital and hospital

stewards' quarters during the next fiscal year, with plans of the same, stating the condition of the buildings and necessity for repairs. The surgeon of the post will prepare and sign estimates for hospital construction and repairs, one copy of which is required by the Surgeon-General. The number required at department headquarters is fixed by the department commander. When work is completed, the medical officer will report to the Surgeon-General whether it was performed according to the estimate, and the material and balance of allotment remaining. Approved plans or estimates for construction or repair will be altered only by authority of the Secretary of War.

1649. The Surgeon-General will furnish to the Quartermaster-General, in sufficient time for his annual estimates, a statement showing the hospital repairs which will be needed during the ensuing year, with estimated cost of the same.

1650. No portion of any hospital building at a military post will be used or occupied as quarters, nor will any mess be permitted or maintained therein except such as may be necessary for patients and enlisted men there on duty

SICK CALL.

1651. At sick call the enlisted men of each company who require medical attention will be conducted to the hospital by a noncommissioned officer, who will give to the attending surgeon the Company Sick Report Book containing the names of the sick. The surgeon, after examination, will indicate in the book, opposite their names, the men who are to be admitted to hospital and those to be returned to quarters, what duties the latter can perform, with any other information in regard to the sick which he may have to communicate to the company commander.

1652. Medical officers will furnish company commanders any information, except the diagnosis, which will assist them in determining, for entry on the muster rolls, whether or not the disabilty of a soldier who is or has been on sick report originated in the line of duty, entering this information in the Company Sick Report Book. When required they will furnish the diagnosis to the commanding officer.

MEDICAL ATTENDANCE.

1653. Medical officers and contract surgeons on duty will attend officers and enlisted men, and, when practicable, their families; and at stations, or in the field, where other medical attendance can not be procured, civilian employees. Medicines will be dispensed to all persons entitled to medical attendance, and hospital stores to enlisted men and hospital matrons, also to officers at posts or stations where they can not be procured by purchase.

1654. Medical officers and contract surgeons at their stations will furnish medical attendance to officers and enlisted men on the retired list, but they will not be required to leave their stations for that purpose. Medicines, dressings, etc., will be supplied to retired officers and enlisted men from army dispensaries on medical officers' prescriptions.

1655. When medical attendance is required by an officer or enlisted man on duty, and the attendance of a medical officer can not be had, the officer, or, if there be no officer present, then the enlisted man, may employ a civilian physician, and a just account for his services and the necessary medicines will be paid by the Medical Department. The accounts for each fiscal year will be rendered separately, and, if for continuous service, forwarded monthly. Accounts for temporary service will be forwarded promptly upon termination thereof.

1656. Accounts for medical attendance will set forth the full name and address of the physician, the full name, rank, company, and regiment or corps of patient, date of and charge for each visit, charge for medicines, and particular disease or injury treated. The physician will certify that the account is correct and just and

that the charges do not exceed the customary charges in the vicinity. The officer will certify, or the enlisted man make oath, to the correctness of the account, stating that he was on duty at the time and place specified and why it was impossible to secure the services of an army surgeon. When medicines are furnished by a druggist and charged for by the physician, the original prescription must be furnished, and the receipt of the druggist to the physician will accompany the account.

1657. Accounts for medicines will be accompanied by the original prescriptions and must be for medicines properly so called only. When such an account is presented for payment the druggist will furnish the following certificate: "I certify that the above account is a just and correct statement of medicines furnished by me at ———, to officers and enlisted men of the United States Army, on the prescriptions herewith submitted; that said medicines were actually furnished on said prescriptions to said officers and enlisted men, respectively, at the dates set forth in said account, and that the prices charged are not in excess of those prevailing at said place."

1658. The officer under whose authority the prescriptions are filled will certify the account as follows: "I certify that the foregoing account is correct; that the officers and enlisted men therein mentioned were actually on duty at ——— when the medicine was furnished for them as stated therein, and that such medicines could not then have been procured at an army dispensary in or near said place." The account must set forth the full name of each officer and enlisted man, his rank, the command to which he belongs, and the number, date, and price of each prescription. If there was an army dispensary in or near the place, but the medicines were procured elsewhere because it was closed when they were required, or if they could not be there procured for some other sufficient reason, a statement of the facts supposed to justify the purchase will be added at the end of the officer's certificate.

1659. When the charge for attendance is against an officer, he will pay the account, if practicable, and transmit it, properly receipted, to the Surgeon-General for reimbursement; if the officer has paid it, the fact must be plainly stated in both his and the physician's certificates. If against a deceased officer or enlisted man, the physician will certify as required in paragraph 1656, and that he has not received the sum expressed nor any portion thereof. Accounts for consultation, for medical attendance and medicines for officers and enlisted men not on duty, and for families and servants of officers and enlisted men will not be paid. Treatment of chronic complaints by a specialist will not be paid for, unless authority to employ such specialist has been obtained from the Surgeon-General. Accounts for hospital stores and necessary surgical appliances will be paid only for enlisted men. Accounts for mineral waters or proprietary medicines will not be paid.

1660. When hospital care and treatment are required by an officer or enlisted man on duty with any command or detachment, and can not be had in any army hospital, the commanding officer may obtain the required service in a civil hospital, at rates not to exceed the usual local charges for like service to private patients, reporting his action without delay to the Surgeon-General. When the officer requiring treatment is on duty without troops, or the enlisted man is on duty where there is no officer, he may himself arrange for the required service, reporting his action, if practicable, to the Surgeon-General. Accounts for the care and treatment of sick officers and soldiers in civil hospitals will be sent to the Surgeon-General. The accounts will show the particular services charged for, e. g., medical attendance, medicines, nursing, lodging, and board, and will, when practicable, be itemized to show the separate charges under each head. Accounts for medical attendance, medicines, and nursing only may, if reasonable and just, be settled under the direction of the Surgeon-General. Accounts which include charges for lodging and board will be forwarded to the Auditor for the War Department for settlement and apportionment to the proper appropriations. If not itemized, a just apportionment is deemed

to be one-half for medical attendance, medicines, and nursing; one-fourth for lodgings, and one-fourth for board. No charge for the board of an officer can be allowed.

1661. Accounts for the payment of special nurses employed, when necessary for the proper care of the patient, to attend sick officers or soldiers on duty at posts or stations where treatment in an army hospital can not be obtained will be sent to the Surgeon-General for settlement. The accounts will set forth the full name and address of the nurse, the full name, rank, company, and regiment or corps of the patient, the disease for which he was treated, the dates of service and number of hours per day service was rendered, and the rate of pay per week or per month. The rate shall in no case exceed $10 per week. The nurse will certify that the account is correct and just, that the services were rendered as stated, and that the patient is not related to the nurse. The attending physician will certify that the services of a nurse were indispensable to the proper care of the patient, that the nurse was competent, that the services were rendered as claimed, and that the charges do not exceed those customary in the vicinity for competent nurses. The officer will certify, or, if no officer is cognizant of the facts, the enlisted man will make oath, to the correctness of the account, stating that the patient was on duty at the time and place specified and why treatment in an army hospital could not be obtained. When practicable, the patient will pay the account and transmit it, properly receipted, to the Surgeon-General for reimbursement, the fact of payment by the patient being plainly stated both by the patient and the nurse. No accounts for nurses employed in trivial cases will be paid.

1662. The compensation allowed to civilian physicians for the physical examination of recruits will be at the following rates: For a single recruit, $1.00; for two recruits on the same day, $1.50; for three recruits on the same day, $2.00; for four recruits on the same day, $2.50, and 40 cents for each recruit over four examined on any one day. A physician employed at different recruiting stations will be allowed the above rates in full for the examinations at each station. He will be allowed 50 cents for each authorized vaccination. Accounts for examination and vaccination of recruits will show the physician's address and the particular location of the recruiting station, the number of applicants examined each day and the charge, and the number of accepted recruits vaccinated each day and the charge. The physician will certify that the men vaccinated were not already protected, and the recruiting officer that they were accepted (sworn) recruits.

1663. The sick at recruiting stations, excepting those with trivial disabilities or severe injuries which render their removal impracticable, will be sent by the recruiting officer for treatment to the nearest military hospital. Accounts of civilian physicians for medical attendance and medicines furnished to recruits, assigned or unassigned, will give the date of enlistment in each case.

1664. Civilian physicians employed, in the absence of a medical officer or contract surgeon, to physically examine or vaccinate enlisted men, under these regulations or orders from competent authority, will be paid at the rates prescribed above for the examination and vaccination of recruits.

1665. The following rates of charges for ordinary medical attendance by civilian physicians will not be exceeded, and if the local charge per visit is less the acccount will be rendered at the local rates: For attending sick call, five men or less, $2.50; for each man attending at sick call in excess of five, 50 cents; for additional visit or sick call on same day, when necessary, $2.00. In making arrangements with physicians for medical attendance upon garrisoned posts or large detachments it should be understood that, while the rates above specified are not to be exceeded (unless in exceptional cases), it does not follow that this schedule of rates is necessarily to govern in cases where there is a large sick report. Where the service is for several days

or for an extended period the rate of payment for such service should not exceed $125 per month. Accounts of physicians not under contract for service at military posts will be forwarded in duplicate to the chief surgeon. Accounts for service at independent posts and stations will be forwarded direct to the Surgeon-General.

MEDICAL SUPPLIES.

1666. Purchase of medical supplies will be made in pursuance of law, under the direction of the Surgeon-General,

1667. Weights and measures given in the supply table will be in accordance with the metric system, and all prescriptions, invoices, receipts, issues, and returns of medical supplies will be made in conformity therewith. Articles not on the supply table will be issued only by special authority of the Surgeon-General.

1668. The routine issue of disinfectants is prohibited.

1669. Damaged or unserviceable medicines, medical books, surgical or scientific instruments and appliances, pertaining to the Medical Department, will not be presented to an inspector for condemnation until authority for so doing has been obtained from the chief surgeon of the division or department.

REPORTS AND RETURNS.

1670. Each chief surgeon will make to the Surgeon-General on the last day of every month a return of medical officers, contract and dental surgeons and physicians under contract.

1671. When authorized by the Secretary of War chief surgeons will visit such posts within their departments as may be designated, and will investigate and report to the Surgeon-General concerning the sanitary condition of the posts, their medical and hospital supplies, and the discipline and efficiency of their medical service.

ARTIFICIAL LIMBS.

1672. Every officer, enlisted man, or employee of the military forces of the United States who, in the line of duty or through disease contracted in service, shall have lost a limb or the use of a limb will receive once every three years an artificial limb or appliance, or commutation therefor if he shall so elect, under such regulations as the Surgeon-General of the Army shall prescribe. The money value allowed as commutation is, for a leg, $75; for an arm, foot, and apparatus for resection, $50.

1673. Necessary transportation, including sleeping-car accommodations, required for travel to place where artificial limbs may be fitted will be furnished by the Quartermaster's Department, the cost to be refunded from any money appropriated for the purchase of artificial limbs.

1674. An officer who pays an account for transportation of persons to enable them to procure artificial limbs will, as soon as payment is made, forward the original account to the Quartermaster-General, with a letter of transmittal, in which he will state that the account is forwarded under the provisions of this paragraph that it may be referred to the Surgeon-General for repayment to the Quartermaster's Department. The paying officer will take credit for the amount paid on his accounts

for the month, and will note thereon the fact that the account was forwarded to the Quartermaster-General, on a specified date, for the purpose aforesaid.

1675. The Quartermaster-General, if he finds the account correct, will forward it to the Surgeon-General with request that the amount be paid to the depot quartermaster, Washington, D. C., and the Surgeon-General will cause the amount to be paid from the appropriation for artificial limbs. The depot quartermaster will deposit the money in the Treasury to the credit of the appropriation for Army transportation, and in his account current will state from whom the money was received, and that it was a refundment to the Quartermaster's Department from the appropriation for artificial limbs, of a sum paid by ——— ———, quartermaster, United States Army, on voucher No. ——, for ———, 19—, for the transportation of a person en route to procure an artificial limb.

1676. On referring an account to the Surgeon-General for refundment, the Quartermaster-General will notify the depot quartermaster of his action, giving the name of the quartermaster who made the payment, date and number of the voucher on which payment was made, and amount paid. He will state that the payment was for the transportation of a person en route to procure an artificial limb.

ARTICLE LXXXII.

THE CORPS OF ENGINEERS.[1]

1677. The duties of the Corps of Engineers comprise reconnoitering and surveying for military purposes, including the laying out of camps; selection of sites and formation of plans and estimates for military defenses; construction and repair of fortifications and their accessories, including the location and supervision of construction of all buildings in or within 1 mile of any fortification; supplying, by purchase or otherwise, and distributing the necessary submarine mining material and electric-lighting supplies for seacoast fortifications; planning and superintending of defensive or offensive works of troops in the field; examination of routes of communications for supplies and for military movements; construction of military roads and bridges; execution of river and harbor improvements assigned to it, and such other duties as the President or Congress may order. It collects, arranges, and preserves all correspondence, reports, memoirs, estimates, plans, drawings, such deeds and titles as relate to the Washington Aqueduct and public buildings and grounds in the District of Columbia, and models which concern or relate in any wise to the several duties above enumerated.

1678. The Chief of Engineers will have his headquarters at Washington, D. C., and will be charged, under the direction of the Secretary of War, with the command of the Corps of Engineers, both staff and line, excepting such portions as are specifically detached by order of the Secretary of War, and with the management of the Engineer Department, including the regulation of the duties of all officers, agents, and others who may be employed under his direction.

1679. When officers or troops of the Corps of Engineers are detached from the command of the Chief of Engineers, they will continue to conform to the regulations of the Engineer Department in regard to the keeping of records and rendering of reports and accounts.

1680. Officers and troops serving under the immediate orders of the Chief of Engineers will not be diverted from such service, except in cases of marked public exigencies, and, when so diverted, the officers will immediately report the facts to

[1] Regulations for the government of the Corps of Engineers, prepared and published under the authority of the Secretary of War, are distributed to its officers by the Chief of Engineers. Only such regulations are herein given as are general in their nature or affect other branches of the service.

the Chief of Engineers, forwarding a copy of the orders they may have received. The officer issuing the order will transmit a copy direct to the War Department. Upon the termination of the exigency such officers or troops will be returned to their prior service, unless otherwise directed by the Chief of Engineers.

1681. Every organization or detachment of engineer troops will be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed by law or regulations to other troops of the military establishment.

1682. When engineer companies or battalions serve with troops of other arms the senior officer of the line present for duty therewith will command the whole.

1683. The senior officer of engineers commanding engineer troops serving with an army, corps, or independent division in the field will be attached to general headquarters of that organization, but will not be a member of the staff of the commanding officer unless specifically so appointed.

1684. The senior officer of engineers serving with an army corps, a division, a brigade, or smaller body, will communicate to the commander thereof any orders received from any engineer officer who has authority to issue such orders.

1685. An engineer directed to superintend any works to be constructed by troops will point out what is to be done, and will maintain such a supervision as will enable him to see that it is done correctly. It will be the duty of the officer having charge of the detachment to execute the work accordingly. The detail of troops for work to be carried on under the superintendence of engineers will be furnished on requisition addressed to the officer in chief command of the troops by the senior engineer officer on the staff of that command. The requisition will specify the number of men required, the times and places at which they will assemble to commence work, and the name and rank of the engineer officer to whom they will report. The requisition may be for part of a day or night, for a whole day or night, for a week or a longer period, according to circumstances, the duration of the service always being specified.

1686. When on duty in the field with armies or other independent organizations, engineer officers making surveys and reconnaissances will at once forward their maps and reports of operations to the proper officer at headquarters, who will report directly to the commanding officer at those headquarters.

1687. The senior engineer officer serving with an army or other independent organization in the field will, subject to the approval of his commanding officer, report monthly to the Chief of Engineers, United States Army, the operations of the engineer force under his direction sufficiently in detail to show the nature and extent of the operations and the respective portions executed by the several engineer officers engaged therein.

1688. The senior engineer officer will also cause to be made plans of all works executed under his direction, and will cause journals to be kept, showing by drawings and descriptions, as far as practicable, each day's events. These plans and descriptions, with maps of all surveys and reconnaissances and explanatory reports or memoirs, will be carefully preserved and transmitted at suitable opportunities to the Chief of Engineers, United States Army.

1689. When an engineer officer is sent to any military department, fortress, garrison, or post, a duplicate of his orders will be sent to the commanding officer. On his arrival the engineer officer will communicate his orders, and necessary facilities for executing them will be afforded by the commanding officer. While so on duty, without being especially put under the direction of the commanding officer, the engineer officer will be furnished with copies of all orders and regulations of the command relative to etiquette and police and with the countersign when quartered within a chain of sentinels. The engineer officer will report to the commanding officer when relieved from duty within the limits of the command.

1690. Engineer officers engaged in the construction of fortifications or other public works are entitled to the same allowances of quarters, mess rooms, and kitchens, with fuel for the same, as are provided by regulations for officers at garrisoned posts.

1691. No alterations will be made in any fortification or in its casemates, quarters, barracks, magazines, storehouses, or any other building belonging to it, nor will any building of any kind, or work of earth, masonry, or timber be erected within any fortification or within a mile of its exterior, except under the direction of the Chief of Engineers, United States Army, and by authority of the Secretary of War.

1692. When the Chief of Engineers, United States Army, is satisfied that any fortification or any of its accessories is in all respects complete, so far as the functions of his department are concerned, he will give notice thereof, in writing, to the Secretary of War, that it may be turned over to the troops for use and care. Until its completion has been so announced, no work will be occupied by troops except by the special order of the Secretary of War.

1693. Officers of the Corps of Engineers, or those on engineer duty, traveling on service connected with fortifications or works of public improvement will be paid their travel allowances from the special appropriation for the work. When traveling on any other duty, the mileage will be paid by that branch of the service intrusted with such payments for the Army.

ARTICLE LXXXIII.

The Ordnance Department.[1]

GENERAL PROVISIONS.

1694. The Chief of Ordnance, under the direction of the Secretary of War, is charged with the duty of procuring, by purchase or manufacture, and distributing the necessary ordnance and ordnance supplies for the Government, and establishes and maintains arsenals and depots for their manufacture and safe-keeping. All officers or other persons in the military establishment, to whom ordnance and ordnance supplies or funds are intrusted, will make accounts and returns thereof to the Chief of Ordnance at the times and in the manner prescribed by him.

ISSUES AND SALES.

1695. Ordnance and ordnance stores include cannon and artillery carriages and equipments; apparatus and machines for the service and maneuver of artillery; small-arms ammunition and accoutrements; horse equipments and harness for the artillery; tools, machinery, and materials for the ordnance service, and all property of whatever nature supplied to the military establishment by the Ordnance Department.

1696. In time of peace, ordnance and ordnance stores are issued from the arsenals and armories by direction of the Chief of Ordnance. Should an issue be made not directed by the Chief of Ordnance, the order therefor will be promptly transmitted to him by the issuing officer.

1697. In time of war, issues may be made to troops in service on the order of any general or field officer commanding an army, garrison, or detachment. To authorize an issue to militia, they must have been regularly mustered into the service of the United States and the requisition for the stores must be properly approved.

1698. The Chief of Ordnance will, on the recommendation of a department commander, approved by the Commanding General of the Army and the Secretary of

[1] Regulations for the government of the Ordnance Department, prepared and published under authority of the Secretary of War, are distributed to its officers by the Chief of Ordnance. Only such regulations are herein given as are general in their nature or affect other branches of the service.

War, establish ordnance depots at such points as may be designated by the Secretary of War where ordnance stores will be held for distribution to the troops, under such regulations as the department commander may prescribe.

1699. When practicable, these depots will be under the charge of ordnance officers, and only such limited supply of ordnance stores as may be required to meet emergencies will be kept at or issued from them. All other ordnance stores will be supplied from the arsenals, as provided in paragraph 1696.

1700. Requisitions for ordnance supplies to meet emergencies will be filled from a depot, under the instructions of the department commander. The officer in charge will be responsible, under the department commander, that sufficient stores, procured by timely requisitions upon the Chief of Ordnance, are always on hand. Unserviceable and unsuitable ordnance and ordnance stores at such depots are under the control of the Chief of Ordnance.

1701. Requisitions for ordnance and ordnance stores not on hand within a department must be approved by the immediate commanders. The personal approval of the department commander, or of the chief ordnance officer of his department is necessary, but in the absence of the department commander the approval may be made in his name by one of his staff officers. After approval one copy is forwarded to the Chief of Ordnance direct.

1702. Requisitions will be made in conformity with the supply tables prepared by the Chief of Ordnance, unless extraordinary circumstances, to be plainly set forth in each case, should require a larger supply of one or more of the articles authorized.

1703. Requisitions for ordnance stores, to replace those condemned, will be accompanied by a certified copy of the inspection report; but issues may be made before condemnation on requisition and the officer's statement that the stores are immediately needed for the proper equipment of his command and that the articles are to replace unserviceable stores, but if required to replace those lost or damaged by the carelessness of the men, the officer will certify that he has charged the cost of the same on the muster and pay rolls.

1704. The service arms, ammunition, accoutrements, and horse equipments required by an officer for his own use in the public service may be sold to him by the Ordnance Department at the regulation price and the money received passed to the credit of the proper appropriation. Ordnance supplies thus sold to officers will not be disposed of to persons not in the military service.

1705. When the arms or equipments authorized to be purchased in the preceding paragraph can not be obtained from an ordnance officer, officers may take from those for which they are accountable such articles as they require for their personal use or may furnish them to officers of their commands for like purpose. In such cases they will refund the cost of the articles to the Ordnance Department by depositing the money with an assistant treasurer or an authorized depositary and taking and transmitting the customary certificates.

1706. Officers serving with troops may draw for their personal use, from stores belonging to the command with which they are serving, one regulation rifle or carbine and one revolver, with the appropriate equipments and the usual quantity of ammunition for each arm. This ordnance property may be used in action or target practice and will be accounted for on quarterly returns to the Chief of Ordnance.

1707. Ordnance stores will not be loaned to any person, and any officer violating this rule will be held responsible for the money value of the articles.

1708. An officer who makes an issue of ordnance stores to one not in command of troops, except under orders from competent authority, will be charged with the money value of the stores so issued.

1709. The issue or sale of arms, ammunition, or other ordnance stores to Indians not in the military service, or to Indian agents, will not be made except by the special authority of the Secretary of War.

1710. Civilian employees of the War Department may be armed when necessary for the protection of life or public property, and the same responsibility attaches to the officers accountable for the arms furnished them that attaches to those accountable for the arms in the hands of enlisted men.

1711. The sale of ammunition to civilians belonging to exploring or surveying expeditions authorized by law, and to civilian employees of the War Department, may be made for hunting purposes when considered necessary for their subsistence or for the interest of the United States.

1712. Arms lost, destroyed, or embezzled by civilian employees will be charged in the same manner as stores similarly lost by enlisted men. A certified statement of the fact will be made in duplicate and the money accounted for to the Ordnance Department. One copy of the statement is filed with the return.

EXPENDITURE OF AMMUNITION.

1713. Ammunition will only be expended in action, in defense of life or public property, in target practice, in the preliminary instruction of the soldier, in hunting, and for authorized salutes.

1714. The officer's certificate as to the necessity for all expenditures of ammunition must accompany his property return, and when ammunition is dropped from his return as "expended in action by civil employees," a statement giving the place, date, and attending circumstances, sufficiently in detail to insure verification, must be filed with the return.

1715. Ammunition expended by a soldier without orders, or not in the line of duty, or which may be damaged or lost through his neglect, will be charged to him.

1716. When ammunition is furnished to civilian employees, it is not to be dropped from the returns unless expended in action or in hunting when necessary to obtain subsistence. Ammunition not so expended will be returned to the responsible officer and accounted for by him, or paid for at the price fixed.

SURPLUS AND DAMAGED STORES.

1717. Serviceable surplus ordnance stores may be turned in at the nearest arsenal on the order of a department commander, or if in the hands of a recruiting officer, on the order of the Adjutant-General of the Army.

1718. Officers in charge of arsenals and ordnance depots will afford every facility to officers authorized to turn in property. They will give receipts for it according to condition.

1719. Whenever canteens become unserviceable because of worn-out covers or lost corks, they will not be presented for condemnation, but will be repaired by the troops. Timely requisitions will be made on the Ordnance Department for extra covers, corks, etc., with which to repair them.

1720. On arrival of recruits at their destination the clothing bags, haversacks, meat cans, tin cups, knives, forks, spoons, and canteens in their possession will be immediately turned over to an officer, to be designated by the commanding officer of the post to which the recruits are sent for assignment, who will receipt to the responsible officer for the property in the hands of such recruits and cause the same to be properly packed and turned over to the Quartermaster's Department for transportation to such arsenal as may be designated by the Chief of Ordnance for repairs and subsequent issue to recruiting stations and recruiting rendezvous.

Should any of these stores be needed for the proper equipment of the organization to which the recruits are sent, the officer designated to receipt for such property will, with the approval of the post commander, transfer them and immediately report to the Chief of Ordnance what articles are so transferred.

In all cases where no officer accompanies the recruits the officer responsible for the property in their hands will forward invoices for the stores to the commanding officer of the post to which the recruits are sent for assignment. In case of any loss or discrepancy the responsibility will be at once investigated.

1721. Ordinary repairs can usually be made in the company, or at the post, with the means provided for that purpose by the Ordnance Department. When the repairs required are too extensive to be thus made, an inspector should recommend that the stores be sent to an arsenal to be designated by the Chief of Ordnance. A certified extract from the inspection report, accompanying the invoices, is the officer's authority for turning them in.

1722. In the absence of an inspecting officer department commanders may direct all arms, accoutrements, or equipments needing repairs which can not be made by the troops to be sent to an arsenal to be designated by the Chief of Ordnance.

1723. No officer will turn in any unserviceable ordnance stores except as provided in these regulations.

1724. Lists of prices to be charged against soldiers for the loss of or damage to firearms are published from time to time.

1725. Arm chests not required for the storage of supplies will be returned to the nearest arsenal or ordnance depot when the cost of transportation is not greater than the value of the property. Officers to whom such chests have been issued will be charged with their value if they are destroyed.

INSPECTION OF ORDNANCE SUPPLIES.

1726. Before final disposition of ordnance supplies which from any cause are worn out or damaged, they will be submitted to an inspector. But when small arms become unseviceable and can not, under existing orders, be repaired at the post, they will be turned into the nearest depot or arsenal, and will under no circumstances be broken up.

1727. When sales of ordnance stores are recommended, all of the copies of the inspection report will be forwarded by the department commander direct to the Chief of Ordnance, for the final action of the Secretary of War.

1728. When the recommendation of an inspector for sale of ordnance supplies is approved, two copies of the report will be returned to the officer accountable for the stores, through the headquarters of the department in which he may be serving, with detailed instructions how to make the sales and account for the proceeds, and one copy transmitted to the Inspector-General. One copy of each inventory and inspection report must accompany the return.

PACKING AND TRANSPORTATION.

1729. Officers who ship arms of any description are held responsible that they are so packed that, under ordinary handling, they can not break loose from their fastenings in the boxes, and that no loaded arm is packed for transportation. When loaded arms, or arms insecurely packed, are received by an officer, he will report the facts direct to the Chief of Ordnance.

1730. After packing arms or other ordnance stores for shipment, the covers and bottoms of the arm chests and packing boxes will, if possible, be sealed with wax and stamped with an official mark by the officer responsible. The lid will be

secured by screws, at least two of which will be sealed. Each board on top and bottom will have at least one sealed screw. The screw heads will be countersunk to a depth sufficient to protect the wax seal from injury. The design of the seal will designate the arsenal or post from which the shipment is made, or the name of the shipping officer.

1731. The Ordnance Department will prepare official stamps for sealing boxes and distribute them in duplicate to each company. Company commanders will account for them in their quarterly returns of ordnance stores and use them exclusively for purposes intended.

1732. The name of the invoicing officer, the gross weight of all boxes and date of weighing will be distinctly marked thereon. Each quartermaster who ships or receives ordnance stores will satisfy himself that the seals on the packages are unbroken. If the seals should be broken and any stores lost, he will cause the value of the lost stores to be charged to the carrier.

1733. For transportation, ordnance stores will be turned over to the Quartermaster's Department, with duplicate invoices; a third invoice, with duplicate receipts, to be signed by the receiving officer, will be sent direct to him by mail. Materials procured for current use at ordnance establishments will be transported at the expense of the Ordnance Department.

RETURNS AND REPORTS.

1734. Officers accountable for ordnance funds will render the returns and statements required by Ordnance Property Regulations.

1735. Records of artillery firing will be kept by commanding officers of permanent forts and batteries, and a copy forwarded direct to the Chief of Ordnance at the end of February, April, June, August, October, and December of each year.

1736. Requisitions for blanks and blank books required for the use of the Ordnance Department will be made quarterly, or when needed, by every regiment and company. Those suited to every command and arm of the service can be obtained upon application to the Chief of Ordnance.

1737. In the care and preservation of artillery material, magazines, small arms, etc., the instructions contained in the authorized Manual of Heavy Artillery and the publications of the Ordnance Department will be observed.

TESTS AND EXPERIMENTAL TRIALS.

1738. No written or pictorial description of tests by this Government of arms or munitions of war will be made for publication without the authority of the Secretary of War, nor will any information, written or verbal, concerning them which is not contained in the printed reports and documents of the War Department be given to any unauthorized person.

1739. Except by special authority of the Secretary of War, no persons other than officers of the Army and Navy of the United States and members of Congress in their official capacity, and persons in the service of the United States employed in direct connection with such tests, will be allowed to witness the same.

1740. Until further orders, inventors and manufacturers, or their properly accredited representatives, will also be permitted to be present at tests of, and experiments with, their own inventions.

Commanding officers of ordnance establishments and other military posts are authorized to pass such persons into them when they present the necessary credentials, but only for the purpose stated. Access to parts of commands not involved in the tests and experiments and to any war material, or to any means of obtaining knowledge of the same, is prohibited.

ARTICLE LXXXIV.

THE SIGNAL CORPS.

1741. The Chief Signal Officer is charged, under the Secretary of War, with the direction of the Signal Bureau; with the control of the officers, enlisted men, and employees attached thereto; with the construction, repair, and operation of military telegraph lines and cables, field telegraph trains, balloon trains, and electrical communications for fire-control purposes; with the preparation, distribution, and revision of the War Department Telegraphic Code; with the supervision of such instruction in military signaling and telegraphy as may be prescribed in orders from the War Department; with the procurement, preservation, and distribution of the necessary supplies for the Signal Corps and for the lake and seacoast defenses. He has charge of all military signal duties, and of books, papers, and devices connected therewith, including telegraph and telephone apparatus and the necessary meteorological instruments for target ranges and other military uses; of collecting and transmitting information for the Army, by telegraph or otherwise, and all other duties pertaining to military signaling.

1742. Noncommissioned officers and first-class privates of the Signal Corps will be enlisted and may be mustered, at the discretion of the Chief Signal Officer of the Army, in the class for which they are competent and in which there is a vacancy. They will be promoted and reduced in the class of their grade, as fixed by law, by the Chief Signal Officer of the Army or by his authority.

1743. The senior signal officer of an army in the field commands the signal parties serving therein. Orders affecting them will be transmitted through him, and he will be responsible that they are fully instructed, adequately supplied, and that they properly perform their duties. He will keep himself informed of the position of the army and of the enemy, and under the instruction of the general commanding will establish his stations. He will submit reports of operations to the general commanding, and forward copies thereof to the Chief Signal Officer in Washington, to whom he will report monthly his station, the strength and condition of his parties, and all other matters pertaining to their duties and equipment.

1744. When telegraph lines are, by order of the Secretary of War, placed under charge of signal officers, they will be held responsible for their construction, maintenance, and operation. Commanding officers and others will see that the special duties of these officers are not interfered with, and upon proper application will render any assistance in their power.

1745. Official and military messages will have precedence. Communications transmitted by telegraph or signals are always confidential, and will not be revealed except to those officially entitled to receive them.

1746. Subject to modification in orders from the War Department, dispatches will be sent in the following order of priority, due regard being had to the importance of messages in the same class:

First. Those relating to the movement or administration of the army in the field, and of the Navy.

Second. Other messages relating to the Army, to the Navy, and to governmental departments or bureaus of the United States.

Third. Messages of State, Territorial, or other civil officials, relating to public business.

Fourth. Messages between diplomatic agents of neutral Governments.

Fifth. Press messages.

Sixth. Miscellaneous business, those relating to death or serious illness having priority.

2. Dispatches containing matter deemed to be injurious to the interests of the Army, must be submitted to the commanding general of the army in the field for his orders relative to their transmission.

3. Officers and soldiers are strictly prohibited from communicating, except to commanding officers or under special authorization from proper military authority, information by telegraph relative to numbers, movements, or operations of troops, or details regarding fortifications, armaments, or experiments made in connection with military matters. Neither shall they be permitted to file dispatches containing opinions on military operations or other military matters relating to any part of the army or command with which they are serving.

4. Personal and press messages may, under conditions not interfering with military business, be transmitted free over field military telegraph lines that are closed to the general public.

5. The use of any cipher is forbidden, except in communication to and from commanding officers and their superiors, or in cases of civil officers specially authorized. Personal and press codes, however, may be utilized for the economical transmission of dispatches upon filing a copy of the code with the central office and under such other regulations as may be formulated by the general commanding an army in the field.

6. The chief signal officer of an army operating in the field, or of a district under military control, in carrying out his general instructions will formulate necessary regulations for the management and operation of military telegraph lines under his control. General rules should be reduced to writing, be clearly defined, and impartially enforced.

1747. Department commanders will supplement the operations of the Signal Corps of the Army by such instruction in practice in military signaling as they deem necessary for the public service. Instruction in the line of the Army contemplates that each independent command should have at least two officers and two enlisted men able to exchange messages in the Army and Navy Code, at short distances by day and night.

1748. Any person or persons who shall willfully or maliciously injure or destroy any of the works or property or material of any telegraphic line constructed and owned, or in process of construction, by the United States, or that may be hereafter constructed and owned or occupied and controlled by the United States, or who shall willfully or maliciously interfere in any way with the working or use of any such telegraphic line, or who shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such telegraphic line, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any district court of the United States having jurisdiction of the same, shall be punished by a fine of not less than $100 nor more than $1,000, or with imprisonment for a term not exceeding three years, or with both, in the discretion of the court.

1749. Code cards and instructions for manual signaling will be furnished by the Chief Signal Officer of the Army upon application.

1750. Signal supplies will be furnished by the Signal Bureau to posts and such organizations as require them, on requisitions approved by department commanders. They will be receipted for by signal officers and will be accounted for to the Chief Signal Officer on forms furnished for the purpose.

1751. Quartermasters and commissaries will issue to signal parties serving in their vicinity such supplies from their respective departments as may be necessary for their proper equipment and subsistence, on the requisition of the officer in charge of such parties.

ARTICLE LXXXV.

RECORD AND PENSION OFFICE.

1752. The Record and Pension Office is a bureau of the War Department established by law, "to provide for the permanent preservation and custody of the records of the volunteer armies, and for other purposes." The chief of the Record and Pension Office has charge, under the Secretary of War, "of the military and hospital records of the volunteer armies and the pension and other business of the War Department connected therewith." He also has charge of the publication and distribution of the Official Records of the War of the Rebellion.

1753. Upon the muster-out or discharge of volunteers or militia from the service of the United States all muster rolls, returns, reports, medical and surgical records, and all other papers pertaining to such volunteers or militia shall be transferred from other bureaus of the War Department to the Record and Pension Office and shall thereafter be filed in that office.

1754. The archives of the Record and Pension Office include: All military records of the Revolutionary war; the records of all organizations, officers or enlisted men of disbanded volunteers or militia that have been in the military service of the United States since the Revolutionary war; the records of the Provost-Marshal-General's bureau; the records of the bureau of Refugees, Freedmen, and Abandoned Lands; the Confederate records, including those pertaining to the legislative, executive, and judicial branches of the Confederate Government.

1755. The Record and Pension Office has jurisdiction of all subjects relating to the disbanded volunteer armies and the organizations, officers, and enlisted men composing them. All communications with regard to those subjects will be recorded in and answered through the Record and Pension Office, and not otherwise.

ARTICLE LXXXVI.

Uniform.

1756. The uniform and equipments of officers and enlisted men will be prescribed in special regulations published by authority of the Secretary of War.

1757. The proper dress for the day, occasion or duty, will be determined by the commanding officer. When an officer or soldier is permitted to wear civilian dress, it will not be accompanied by any mark of the uniform. When in uniform he will conform strictly to the requirements for the day.

1758. Officers and enlisted men may be permitted to wear black rubber ponchos or blankets, or black or dark-blue waterproof overcoats when on duty involving exposure to rainy or other inclement weather.

1759. In time of war officers on the active list of the Army, while on duty, will wear the uniform of their grade.

MISCELLANEOUS.

1760. Officers and enlisted men who, in their own right or by right of inheritance, are members of military societies of men who served in the armies and navies of the United States in the war of the Revolution, the war of 1812, the Mexican war, the war of the rebellion, or the Spanish-American war, and the incidental insurrection in the Philippines, or are members of the Regular Army and Navy Union of the United States, may wear on all occasions of ceremony the distinctive badges adopted by such societies; badges to be worn on the left breast of the coat suspended by a ribbon from a bar of metal passed through their upper ends, and tops of the ribbons forming a horizontal line, the outer end of which will be from 3 to 4 inches below the top of the shoulder according to height of wearer. Medals of honor and the several distinctive marks given for excellence in rifle practice, as well as army corps badges, may also be worn in the same manner by officers and enlisted men upon all occasions of ceremony. Insignia "buttons" will not be worn.

ARTICLE LXXXVII.

Blank Forms.

1761. The standard blank forms used in Army administration, with the notes and directions thereon, have the force and effect of Army Regulations. New forms or alterations will not be made without the authority of the Secretary of War, and the date on which a form or alteration was authorized will be printed on the form itself. All notes or directions on these blanks will, prior to their issue, be approved by the Secretary of War. These forms and lists of them will be furnished by the chiefs of the various bureaus and offices of the War Department. Requisitions therefor will call for them by number and name.

ARTICLES OF WAR.

SECTION 1342, Revised Statutes. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include noncommissioned officers, musicians, artificers, privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial.

ARTICLE 1. Every officer now in the Army of the United States shall, within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office subscribe these rules and articles.

ART. 2. These rules and articles shall be read to every enlisted man at the time of or within six days after his enlistment, and he shall thereupon take an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and articles of war." This oath may be taken before any commissioned officer of the Army.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of 16 years without the written consent of his parents or guardian, or any minor under the age of 16 years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 5. Any officer who knowingly musters as a soldier a person who is not a soldier shall be deemed guilty of knowingly making a false muster and punished accordingly.

ART. 6. Any officer who takes money, or other thing, by way of gratification, on mustering any regiment, troop, battery, or company, or on signing muster rolls, shall be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and

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the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

ART. 8. Every officer who knowingly makes a false return to the Department of War, or to any of his superior officers authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing, or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

ART. 9. All public stores taken from the enemy shall be secured for the service of the United States; and for neglect thereof the commanding officer shall be answerable.

ART. 10. Every officer commanding a troop, battery, or company is charged with the arms, accouterments, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

ART. 11. Every officer commanding a regiment or an independent troop, battery, or company, not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment, or an independent troop, battery, or company, in the field, may grant furloughs not exceeding thirty days at one time, to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may, in the absence of his field officer, grant furloughs to the enlisted men for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War as speedily as the distance of the place and muster will admit.

ART. 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier, shall be dismissed from the service.

ART. 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster roll, knowing the same to contain a false muster, shall, upon proof thereof, by two witnesses, before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 15. Any officer who, willfully or through neglect, suffers to be lost, spoiled, or damaged any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.

ART. 16. Any enlisted man who sells, or willfully or through neglect, wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

ART. 17. Any soldier who sells or, through neglect, loses or spoils his horse, arms, clothing, or accouterments, shall be punished as a court-martial may adjudge, subject to such limitation as may be prescribed by the President by virtue of the power vested in him. [Act of July 27, 1892.]

ART. 18. Any officer commanding in any garrison, fort, or barracks of the United States who, for his private advantage, lays any duty or imposition upon, or is interested in, the sale of any victuals, liquors, or other necessaries of life brought into such garrison, fort, or barracks for the use of the soldiers, shall be dismissed from the service.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

ART. 20. Any officer or soldier who behaves himself with disrespect towards his commanding officer shall be punished as a court-martial may direct.

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny, or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

ART. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

ART. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or to another corps, regiment, troop, battery, or company, and to order officers into arrest, and noncommissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

ART. 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined and required to ask pardon of the party offended in the presence of his commanding officer.

ART. 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct.

ART. 27. Any officer or noncommissioned officer, commanding a guard, who knowingly and willingly suffers any person to go forth to fight a duel shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals, and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company, post, or detachment, who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

ART. 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

ART. 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and, upon due application to such commander, is refused redress, may complain to the general commanding in the State or Territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

ART. 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

ART. 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

ART. 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

ART. 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

ART. 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

ART. 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat shall be punished according to the nature of his offense.

ART. 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every such soldier found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

ART. 37. Every noncommissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

ART. 38. Any officer who is found drunk on his guard, party, or other duty shall be dismissed from the service. Any soldier who so offends shall suffer such punishment as a court-martial may direct. No court-martial shall sentence any soldier to be branded, marked, or tattooed.

ART. 39. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death, or such other punishment as a court-martial may direct.

ART. 40. Any officer or soldier who quits his guard, platoon, or division without leave from his superior officer, except in a case of urgent necessity, shall be punished as a court-martial may direct.

ART. 41. Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters shall suffer death, or such other punishment as a court-martial may direct.

ART. 42. Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard, which he is commanded to

defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct.

ART. 43. If any commander of any garrison, fortress, or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

ART. 44. Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parole or watchword different from that which he received, shall suffer death, or such other punishment as a court-martial may direct.

ART. 45. Whosoever relieves the enemy with money, victuals, or ammunitions, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct.

ART. 46. Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct.

ART. 47. Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

ART. 48. Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

ART. 49. Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter.

ART. 50. No noncommissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such noncommissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by court-martial, be cashiered.

ART. 51. Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

ART. 52. It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one-sixth of a dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied, by the captain or senior officer of his troop, battery, or company, to the use of the sick soldiers of the same.

ART. 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

ART. 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, disturbing fairs or markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender, and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished as a court-martial may direct.

ART. 55. All officers and soldiers are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish ponds, houses, gardens, grain fields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States (unless by order of a general officer commanding a separate army in the field) shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

ART. 56. Any officer or soldier who does violence to any person bringing provisions or other necessaries to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death, or such other punishment as a court-martial may direct.

ART. 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their Territories during rebellion against the supreme authority of the United States, forces a safeguard, shall suffer death.

ART. 58. In time of war, insurrection, or rebellion, larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding, by shooting or stabbing, with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial, when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided for the like offense by the laws of the State, Territory, or district in which such offense may have been committed.

ART. 59. When any officer or soldier is accused of a capital crime, or of any offense against the person or property of any citizen of any of the United States, which is punishable by the laws of the land, the commanding officer, and the officers of the regiment, troop, battery, company, or detachment, to which the person so accused belongs, are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him, in order to bring him to trial. If, upon such application, any officer refuses or wilfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

ART. 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Who steals, embezzles, knowingly and wilfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or intended for the military service thereof; or

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same,

Shall, on conviction thereof, be punished by fine or imprisonment or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed. [Act of March 2, 1901.]

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, garrison, or field officers' court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.[1]

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[1] SEC. 3. That fraudulent enlistment, and the receipt of any pay or allowance thereunder, is hereby declared a military offense, and made punishable by court-martial, under the sixty-second article of war.—[Act approved July 27, 1892.]

ART. 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 64. The officers and soldiers of any troops, whether militia or others, mustered and in pay of the United States, shall, at all times and in all places, be governed by the articles of war, and shall be subject to be tried by courts-martial.

ART. 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

ART. 67. No provost-marshal, or officer commanding a guard, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

ART. 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing, to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and, if he fails to make such report, he shall be punished as a court-martial may direct.

ART. 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

ART. 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

ART. 72. Any general officer commanding an army, a territorial division or a department, or colonel commanding a separate department may appoint general courts-martial whenever necessary. But when any such commander is the accuser or prosecutor of any officer under his command the court shall be appointed by the President; and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case. [Act of July 5, 1884.]

ART. 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

ART. 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service

ART. 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall thereupon order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with the necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 77. Officers of the Regular Army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in Article 78.

ART. 78. Officers of the Marine Corps, detached for service with the Army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps who may be present and duly authorized shall be obeyed.

ART. 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

ART. 80.[1] The commanding officer of each garrison, fort, or other place, regiment or corps, detached battalion or company, or other detachment in the Army, shall have power to appoint for such place or command, or in his discretion for each battalion thereof, a summary court to consist of one officer to be designated by him, before whom enlisted men who are to be tried for offenses, such as were prior to the passage of the act "to promote the administration of justice in the Army," approved October first, eighteen hundred and ninety, cognizable by garrison or regimental courts-martial, and offenses cognizable by field officers detailed to try offenders under the provisions of the eightieth and one hundred and tenth articles of war, shall be brought to trial within twenty-four hours of the time of the arrest, or as soon thereafter as practicable, except when the accused is to be tried by general court-martial; but such summary court may be appointed and the officer designated by superior authority when by him deemed desirable; and the officer holding the summary court shall have power to administer oaths and to hear and determine such cases, and when satisfied of the guilt of the accused adjudge the punishment to be inflicted, which said punishment shall not exceed confinement at hard labor for one month and forfeiture of one month's pay, and, in the case of a noncommissioned officer, reduction to the ranks in addition thereto; that there shall be a summary court record kept at each military post and in the field at the headquarters of the proper command, in which shall be entered a record of all cases heard and determined and the action had thereon; and no sentence adjudged by said summary court shall be executed until it shall have been approved by the officer appointing the court, or by the officer commanding for the time being: *Provided,* That when but one commissioned officer is present with a command he shall hear and finally determine such cases: *And provided further,* That no one while holding the privileges of a certificate of eligibility to promotion shall be brought before a summary court, and that noncommissioned officers shall not, if they object thereto, be brought to trial before summary courts without the authority of the officer competent to order their trial by general court-martial, but shall in such case be brought to trial before garrison, regimental, or general courts-martial, as the case may be. [Act of June 18, 1898, 30 Stat. at Large, 483.]

ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of Article 80, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

ART. 82. Every officer commanding a garrison, fort, or other place where the troops consist of different corps, shall, subject to the provisions of Article 80, be com-

[1] Article 80 was repealed by the act of June 18, 1898 (30 Stat. at Large, 483).

petent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

ART. 83. Regimental and garrison courts-martial and summary courts detailed under existing laws to try enlisted men shall not have power to try capital cases or commissioned officers, but shall have power to award punishment not to exceed confinement at hard labor for three months, or forfeiture of three months' pay, or both; and in addition thereto, in the case of noncommissioned officers, reduction to the ranks, and in the case of first-class privates reduction to second-class privates: *Provided*, That a summary court shall not adjudge confinement and forfeiture in excess of a period of one month, unless the accused shall before trial consent in writing to trial by said court; but in any case of refusal to so consent the trial may be had either by general, regimental, or garrison court-martial, or by said summary court; but in case of trial by said summary court, without consent as aforesaid, the court shall not adjudge confinement or forfeiture of pay for more than one month. [Act of March 2, 1901.]

ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of regimental and garrison courts-martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubts should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority, except to the judge-advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law. So help you God." [Act of July 27, 1892, 27 Stat. at Large, 278.]

ART. 85. When the oath has been administered to the members of a court-martial the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following form: "You, A B, do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course of law; nor divulge the sentence of the court to any but the proper authority until it shall be duly disclosed by the same. So help you God."

ART. 86. The court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder.

ART. 87. All members of a court-martial are to behave with decency and calmness.

ART. 88. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

ART. 89. When a prisoner, arraigned before a general court-martial, from obstinacy and deliberate design, stands mute, or answers foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had pleaded not guilty.

ART. 90. The judge-advocate, or some person deputed by him or by the general or officer commanding the Army, detachment, or garrison, shall prosecute in the name of the United States, but when the prisoner has made his plea he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner the answer to which might tend to criminate himself.

ART. 91. The depositions of witnesses residing beyond the limits of the State, Territory, or District in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.[1]

ART. 92. All persons who give evidence before a court-martial shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

ART. 93. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time and as often as may appear to be just: *Provided*, That if the prisoner be in close confinement the trial shall not be delayed for a period longer than sixty days.

ART. 95.[2] Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

ART. 96. No person shall be sentenced to suffer death, except by the concurrence of two-thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

ART. 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the State, Territory, or District in which such offense may be committed, or by the common law, as the same exists in such State, Territory, or District, subject such convict to such punishment.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof.

ART. 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the State from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

ART. 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

ART. 102. No person shall be tried a second time for the same offense.

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself or of some other manifest impediment, he shall not have been amenable to justice within that period.

No person shall be tried or punished by a court-martial for desertion in time of peace and not in the face of an enemy committed more than two years before the arraignment of such person for such offense, unless he shall meanwhile have absented himself from the United States, in which case the time of his absence shall be excluded in computing the period of the limitation: *Provided*, That said limitation shall not begin until the end of the term for which said person was mustered into the service. [Act of April 11, 1890. 26 Stat. at Large, 54.]

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[1] SEC. 4. That judge-advocates of departments and of courts-martial, and the trial officers of summary courts, are hereby authorized to administer oaths for the purposes of the administration of military justice, and for other purposes of military administration. [Act of July 27, 1892.]

[2] Article 94 was repealed by the act of March 2, 1901.

ART. 104. No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer ordering the court, or by the officer commanding for the time being. [Act of July 27, 1892. 27 Stat. at Large, 278.]

ART. 105. No sentence of a court-martial inflicting the punishment of death shall be carried into execution until it shall have been confirmed by the President, except in the cases of persons convicted, in time of war, as spies, mutineers, deserters, or murderers, and in the cases of guerrilla marauders, convicted, in time of war, of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

ART. 106. In time of peace no sentence of a court-martial directing the dismissal of an officer shall be carried into execution until it shall have been confirmed by the President.

ART. 107. No sentence of a court-martial appointed by the commander of a division or of a separate brigade of troops directing the dismissal of an officer shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

ART. 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer shall be carried into execution until it shall have been confirmed by the President.

ART. 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the President, or by the commanding general in the field, or commander of the department, is not required by the articles.[1]

ART. 111. Any officer who has authority to carry into execution the sentence of death or of dismissal of an officer may suspend the same until the pleasure of the President shall be known; and, in such case, he shall immediately transmit to the President a copy of the order of suspension, together with a copy of the proceedings of the court.

ART. 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held shall have power to pardon or mitigate any punishment which such court may adjudge.

ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with such expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the Judge-Advocate-General of the Army, in whose office they shall be carefully preserved.

ART. 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonorable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

ART. 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder, to reduce the proceedings and evidence to writing.

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[1] Article 110 was repealed by the act of June 18, 1898 (30 Stat. at Large, 483).

ART. 117. The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martial, and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question.

ART. 119. A court of inquiry shall not give an opinion on the merits of the case nquired of unless specially ordered to do so.

ART. 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

ART. 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony can not be obtained.

ART. 122. If, upon marches, guards, or in quarters, different corps of the Army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for what is needful to the service, unless otherwise specially directed by the President, according to the nature of the case.

ART. 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the Regular Army and to volunteers commissioned in, or mustered into said service, under the laws of the United States, for a limited period.

ART. 124. Officers of the militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular or volunteer forces, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

ART. 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his effects then in camp or quarters, and shall make, and transmit to the office of the Department of War, an inventory thereof.

ART. 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Department of War.

ART. 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.

ART. 128. The foregoing articles shall be read and published, once in every six months, to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

SEC. 1343, Revised Statutes. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

WRITS OF ATTACHMENT.

Every judge-advocate of a court-martial shall have power to issue like process to compel witnesses to appear and testify which courts of criminal jurisdiction within the State, Territory, or district where such military courts shall be ordered to sit may lawfully issue. Section 1202, Revised Statutes.

REFUSAL OF CIVILIAN WITNESS TO TESTIFY.

Every person not belonging to the Army of the United States who, being duly subpœnaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States district attorney, on the certification of the facts to him by the general court-martial, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or district in which such general court-martial is held, and that the fees of such witness, and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or district shall be duly paid or tendered said witness, such amounts to be paid by the Pay Department of the Army out of the appropriation for the compensation of witnesses: *Provided*, That no witness shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him. Act of March 2. 1901 (31 Stat. at Large).

APPENDIX

TO

ARMY REGULATIONS.

EDITION OF 1901.

SHOWING CHANGES TO JUNE 30, 1902, AND ORDERS AND CIRCULARS RELATING THERETO.

(G. O. 61, of 1901, to G. O. 61, of 1902; Cir. 12, of 1901, to Cir. 25, of 1902.)

APPENDIX.

SHOWING CHANGES MADE IN THE ARMY REGULATIONS BY GENERAL ORDERS AND CIRCULARS FROM THE ADJUTANT-GENERAL'S OFFICE, SINCE THEIR PUBLICATION TO DECEMBER 31, 1902.

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CHANGES IN THE ARMY REGULATIONS SINCE PUBLICATION TO JUNE 30, 1902.

[G. O. 140, Nov. 2, 1901.]

9. The following are the grades of rank of officers and noncommissioned officers:

1. Lieutenant-general.
2. Major-general.
3. Brigadier-general.
4. Colonel.
5. Lieutenant-colonel.
6. Major.
7. Captain.
8. First lieutenant.
9. Second lieutenant.
10. Veterinarian, cavalry and artillery.
11. Cadet.
12. Sergeant-major, regimental, and sergeant-major, senior grade, Artillery Corps.
13. Quartermaster-sergeant, regimental.
14. Commissary-sergeant, regimental.
15. Ordnance-sergeant, post commissary-sergeant, post quartermaster-sergeant, electrician sergeant, hospital steward, first-class sergeant Signal Corps, chief musician, chief trumpeter, and principal musician.
16. Squadron and battalion sergeant-major and color sergeant, and sergeant-major, junior grade, Artillery Corps.
17. First sergeant, drum major, company quartermaster-sergeant, and battery stable sergeant.
18. Sergeant and acting hospital steward.
19. Corporal.

In each grade date of commission, appointment, or warrant determines the order of precedence.

[G. O. 39, Apr. 24, 1902.]

9. The following are the grades of rank of officers and noncommissioned officers:

1. Lieutenant-general.
2. Major-general.
3. Brigadier-general.
4. Colonel.
5. Lieutenant-colonel.
6. Major.
7. Captain.
8. First lieutenant.
9. Second lieutenant.
10. Veterinarian, cavalry and artillery.
11. Cadet.
12. Sergeant-major, regimental; sergeant-major, senior grade, artillery.
13. Ordnance sergeant; post commissary-sergeant; post quartermaster-sergeant; electrician sergeant; hospital steward; first-class signal sergeant.
14. Quartermaster-sergeant and commissary-sergeant, regimental; chief musician.
15. Sergeant-major, squadron and battalion; sergeant-major, junior grade, artillery; color-sergeant; chief trumpeter, principal musician; battalion quartermaster-sergeant, engineers.
16. First sergeant; drum major.
17. Sergeant; quartermaster-sergeant, company; stable sergeant, battery; acting hospital steward.
18. Corporal.

In each grade date of commission, appointment, or warrant determines the order of precedence.

[G. O. 139, Nov. 2, 1901.]

88. The uniform of an officer on the retired list is that of his actual rank in his regiment or corps when retired. A retired officer with brevet commission, either in the regular or volunteer service of the Army of the United States, may wear the uniform of his highest brevet grade, and an officer who has held a commission, not brevet, in the volunteer service may wear the uniform of his highest grade in that service.

[G. O. 144, Nov. 7, 1901.]

100. The post noncommissioned staff consists of ordnance, post commissary, post quartermaster, and electrician sergeants. They are appointed by the Secretary of War, after due examination, as follows: Ordnance sergeants from sergeants of the line who have served at least eight years in the Army, including four years as noncommissioned officers, and who are less than 45 years of age; post commissary sergeants from sergeants of the line who have served five years in the Army, including three years as noncommissioned officers; post quartermaster sergeants from sergeants of the line who have served four years in the Army; electrician sergeants from the Army or civil life and must be at the time of appointment unmarried, under 30 years of age, and of good character.

[G. O. 144, Nov. 7, 1901.]

110. The men selected for appointment as electrician sergeants must not only have the requisite technical ability, but should, as a rule, be trained soldiers of good habits and have some knowledge of property responsibility. Applications of enlisted men for appointment as electrician sergeants will be forwarded through military channels to the commanding officer of the School of Submarine Defense, Fort Totten, New York. An applicant will not be recommended by his commanding officer unless he has at least one year to serve or has signified his intention to reenlist, and has sought for a year or more to become practically familiar with one or more classes of electrical machinery, or with some portion of elementary literature on electricity, and satisfies his immediate commander that he possesses sufficient capacity to successfully pursue a practical course of instruction in electricity. On the receipt of his application, if duly approved, the commanding officer of the school will have a set of examination papers sent the commanding officer of the station at which the applicant may be, which after their completion will be returned direct. These questions shall be prepared under the direction of the school board, and shall be of such scope as to develop the applicant's probable fitness to undergo that preliminary training necessary to qualify him for appointment as electrician sergeant. Should the applicant successfully pass this preliminary examination, he will be ordered to the school to follow the prescribed course of instruction in the next class for not to exceed six months, at the expiration of which he will be examined, when he must demonstrate his proficiency in the care and use of the various electrical apparatus and appurtenances used in seacoast fortifications. On the recommendation of the officer in charge of instruction of enlisted men at the school the applicant shall receive a certificate of proficiency from the commandant, who will report his name to the Adjutant-General of the Army for appointment as electrician sergeant. Applicants who fail to qualify at the expiration of six months will be returned to their stations and shall not be permitted to undergo a second preliminary examination until after the expiration of six months unless recommended by the commandant of the school.

Applicants from civil life shall apply to the commanding officer of the School of

Submarine Defense for examination. Should they successfully pass the preliminary examination they may be enlisted as privates of the Artillery Corps, and shall be subject to the same requirements as applicants from the Army, except that should they not successfully pass the final examination they will have the option of being immediately honorably discharged from the service or of continuing their enlistments.

Electrician sergeants now in service shall be required to take the course of instruction at the School of Submarine Defense, and if they fail to pass the examination shall be reexamined within six months, if they so desire, and upon final failure shall not be eligible to reenlistment in the grade of electrician sergeant; but if their character and previous service are deemed specially meritorious they may be transferred to the line or to the corps from which they were appointed or discharged the service, as the Secretary of War may direct.

[G. O. 28, Mar. 17, 1902.]

110. The men selected for appointment as electrician sergeants must not only have the requisite technical ability, but should, as a rule, be trained soldiers of good habits, and have some knowledge of property responsibility. Applications of enlisted men for appointment as electrician sergeants will be forwarded through military channels to the commanding officer of the School of Submarine Defense, Fort Totten, N. Y. An applicant will not be recommended by his commanding officer unless he has at least one year to serve or has signified his intention to reenlist and has sought for a year or more to become practically familiar with one or more classes of electrical machinery or with some portion of elementary literature on electricity and satisfies his immediate commander that he possesses sufficient capacity to successfully pursue a practical course of instruction in electricity. On the receipt of his application, if duly approved, the commanding officer of the school will have a set of examination papers sent the commanding officer of the station at which the applicant may be, which after their completion will be returned direct. These questions shall be prepared under the direction of the school board and shall be of such scope as to develop the applicant's probable fitness to undergo that preliminary training necessary to qualify him for appointment as electrician sergeant. Should the applicant successfully pass this preliminary examination he will be ordered to the school to follow the prescribed course of instruction in the next class for not to exceed six months, at the expiration of which he will be examined, when he must demonstrate his proficiency in the care and use of the various electrical apparatus and appurtenances used in seacoast fortifications. On the recommendation of the officer in charge of instruction of enlisted men at the school the applicant shall receive a certificate of proficiency from the commandant, who will report his name to the Adjutant-General of the Army for appointment as electrician sergeant. Applicants who fail to qualify at the expiration of six months will be returned to their stations and shall not be permitted to undergo a second preliminary examination until after the expiration of six months unless recommended by the commandant of the school.

Applicants from civil life shall apply to the commanding officer of the School of Submarine Defense for examination. On receipt of such an application the commandant of the school will direct the applicant to report at his own expense to the nearest suitable artillery post for examination and will have a set of examination papers sent to the commanding officer of this post for necessary action, with a request that the applicant be given a practical as well as theoretical examination, provided he first passes the necessary physical examination for enlistment. Should an applicant pass the required physical as well as preliminary examination he may be enlisted as a private in the Artillery Corps and shall be subject to the same requirements as

applicants from the Army, except that if he should not successfully pass the final examination he will have the option of being immediately honorably discharged from the service or of continuing his enlistment.

Electrician sergeants now in service shall be required to take the course of instruction at the School of Submarine Defense, and if they fail to pass the examination shall be reexamined within six months, if they so desire, and upon final failure shall not be eligible to reenlistment in the grade of electrician sergeant; but if their character and previous service are deemed specially meritorious they may be transferred to the line or to the corps from which they were appointed or discharged the service, as the Secretary of War may direct.

[G. O. 140, Nov. 2, 1901.]

125. Transfers of enlisted men will be made for cogent reasons only. They will be effected as follows:

1. From one company to another of the same regiment, or from one company or battery to another of the Artillery Corps, not involving change of station, by the colonel, or by the commander of the artillery district, as the case may be. In cases involving change, then by the colonel of the regiment or the commander of the artillery district, with the consent of the department commander, if change of station is within department limits.

2. From one regiment to another, and between companies of the same regiment, or between companies or batteries of the Artillery Corps, serving in different military departments, by the Commanding General of the Army.

3. In all other cases, by the Secretary of War.

[G. O. 160, Dec. 11, 1901.]

125. Transfers of enlisted men will be made for urgent reasons only. They will be effected as follows:

1. In the same regiment, detached battalion, or artillery district, not involving change of station, by its commander. In cases involving change, by the next higher commander having territorial jurisdiction; where the transfer would carry the soldier beyond the limits of such higher command, by the Commanding General of the Army.

2. From one arm of service to another and from one regiment, detached battalion, or artillery district to another, by the Commanding General of the Army.

3. From the line of the Army to the Hospital Corps, as prescribed in the article relating to the Medical Department. In other cases of transfer between the line of the Army and staff corps, by the Secretary of War.

[G. O. 119, Sept. 9, 1901.]

127. When a soldier deserts, a board of survey will not be called by the post or regimental commander, except in cases in which it has been made to appear to the proper commanding officer that articles of public property have been lost in consequence of desertion, and in such cases the board will determine the money value of articles so lost. The value of the articles found to be missing will be charged against the deserter on the next muster rolls of his company, which will be accompanied by a copy of the board's report. The charge will also be made on the pay roll. A copy of the proceedings will accompany the return to which the property pertains.

[G. O. 26, Mar. 8, 1901.]

135. Act of Congress approved March 2, 1901: "For the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses."

[G. O. 140, Nov. 2, 1901.]

139. A reward of $30 will be paid to any civil officer or citizen for the capture and delivery at any military post or station (or at some convenient point as near thereto as may be agreed upon) of an escaped general prisoner, and such officer or citizen will also be reimbursed for actual cost of tickets over the shortest usually traveled route to and from such post, station, or point, and for the escaped general prisoner to such post, station, or point, not to exceed $20. The reward and actual cost of tickets will be paid by the Quartermaster's Department and will be in full satisfaction of all expenses for arresting, keeping, and delivering the escaped general prisoner.

The payment will be reported to the commanding officer of the post or station from which the prisoner escaped, and this officer will inform the Adjutant-General of the Army of the date of escape and the date and place of capture. (*G. O. 82, A. G. O., 1901.*)

[G. O. 140, Nov. 2, 1901.]

146. When an enlisted man shall have served as such for thirty years, either in the Army or the Marine Corps and the Army, he may apply to the Adjutant-General of the Army for retirement. Upon the approval of the application an order will be issued from the Adjutant-General's Office transferring him to the retired list and directing that transportation in kind to his home and commutation of subsistence during necessary travel be given him. Length of war service with the Army in the field, or with the Navy or Marine Corps in active service (either as volunteer or regular) during the war of the rebellion, and actual service in Cuba, Porto Rico, and the Philippine Islands, will be doubled in computing the thirty years necessary to entitle him to be retired. In the computation of war service and service in Cuba, Porto Rico, and the Philippine Islands service as an enlisted man only will be counted.

[G. O. 140, Nov. 2, 1901.]

149. The authorized pay and allowances of retired enlisted men will be paid them monthly by the Pay Department. Their pay will be three-fourths of the monthly pay allowed them by law in the grade held when retired, including reenlisted and continuous-service pay then received. No deduction will be made except the monthly tax of 12½ cents for support of the Soldiers' Home. They are not entitled to commutation for fuel or quarters, but will receive commutation for subsistence and clothing at the rate of $9.50 per month.

[G. O. 140, Nov. 2, 1901.]

159. An enlisted man, a resident of the United States serving in Hawaii, Guam, the Philippine Islands, or in Alaska, who is discharged the service in those islands or in Alaska, with a view to his transfer to the civil service; or on his own application, whether by way of favor or by purchase; or because of confinement by the

civil authorities; or by way of punishment for an offense or for disability caused by his own misconduct; or on account of fraudulent enlistment, is, by the operation of section 1290, Revised Statutes, and the act of March 16, 1896 (29 Stat. L., 63), prevented from being allowed the usual traveling allowances to the place of his enlistment, enrollment, or original muster into the service, but he will be brought by the Government to the United States on a transport free of charge: *Provided*, That an enlisted man discharged because of confinement by civil authorities, or by way of punishment for an offense, or for disability caused by his own misconduct, shall be required to leave the islands or Alaska by the first transport departing for the United States or forfeit the privilege of being sent to the United States at the expense of the Government.

[G. O. 140, Nov. 2, 1901.]

164. In order that soldiers on their reenlistment or reentry into the service may be correctly mustered for increase of pay for former service hereafter upon the discharge of a soldier his commanding officer will place on his discharge certificate above the line for "Previous service" the following remark:

"Continuous service at date of discharge, ---------- years, ---------- months, ---------- days."

Upon reenlistment the recruiting officer will place the same information upon the descriptive and assignment card and give the date of last discharge.

[G. O. 28, Mar. 17, 1902.]

183. Enlisted men detailed by name on extra duty and employed under competent authority at constant labor for not less than ten days are entitled in time of peace to receive extra-duty pay at the following rates: For services as mechanics, artisans, and school-teachers, 50 cents per day; as bakers, according to paragraph 337; as overseers, clerks, teamsters, laborers, and for all other extra-duty services, 35 cents per day. Enlisted men receiving or who are entitled to the 20 per cent increased pay for service beyond the limits of the States comprising the Union and Territories of the United States contiguous thereto are not entitled to the extra-duty pay.

[G. O. 140, Nov. 2, 1901.]

214. The personal staff of a department commander will consist of the authorized aids. The department staff will be limited to the officers detailed by the Secretary of War from appropriate staff departments or corps, or of officers of the line detailed by the same authority to act in their stead. Their official designations will be as follows: Adjutant-general, chief quartermaster, chief commissary, chief surgeon, chief paymaster, judge-advocate, inspector, and artillery inspector, the last appointed as prescribed in paragraph 409. When necessary, an engineer officer, an ordnance officer, and a signal officer, each detailed from his corps, will be assigned; but when any of these officers are not assigned, or when any department staff officer is temporarily absent or disabled, the duties of his position will be performed by other members of the department or personal staff. The chief quartermaster and chief commissary will each have charge of the depot of his department, at the place where headquarters are located, and will, when practicable, make purchases. The chief surgeon will, when practicable, perform the duty of attending surgeon. The chief paymaster will make a proportion of the payments in the command. The duties prescribed in Small Arms Firing Regulations for the inspector of small-arms practice will be performed by an aid or by the adjutant-general.

(*See Cir. 35, 1901.*)

[G. O. 140, Nov. 2, 1901.]

268. The regimental noncommissioned staff officers consist of the sergeant major, quartermaster-sergeant, commissary-sergeant, and two color-sergeants and are appointed by the regimental commander. The battalion noncommissioned staff officers are the battalion sergeant-majors, and will be so designated. They are appointed by the regimental commander upon the recommendation of the battalion commander. When a battalion is detached and serving at such a distance from regimental headquarters that more than fifteen days are required for exchange of correspondence by mail, the battalion noncommissioned staff officers are appointed by the battalion commander, who will immediately notify the regimental commander. Each noncommissioned staff officer will be furnished with a warrant, signed by the officer making the appointment and countersigned by the adjutant. The appointment takes effect on the day upon which it is made, and the warrant may be continued in force upon discharge and reenlistment if reenlistment be made on the day following discharge; each reenlistment and continuance may be noted on the warrant by the adjutant. Any noncommissioned staff officer may be reduced to the ranks by the sentence of a court-martial or by order of the commander having authority to appoint such noncommissioned officer. Noncommissioned staff officers will preferably be selected from the noncommissioned officers of the regiment most distinguished for efficiency, gallantry, and soldierly bearing.

[G. O. 39, Apr. 24, 1902.]

By direction of the Acting Secretary of War, paragraphs 269 and * * of the Army Regulations are hereby revoked.

[G. O. 28, Mar. 17, 1902.]

309. Articles of public property issued to a company for its exclusive use will when practicable be marked with the letter or number of the company and number and arm of the regiment. Such articles issued to an enlisted man (arms and clothing excepted) will as far as practicable be marked with the number of the man, letter or number of the company, and number of the regiment. Haversacks and blanket bags will be uniformly marked on the outside, as follows: Cavalry, crossed sabers; infantry, crossed rifles with letter of company above and number of regiment below the intersection; artillery, crossed cannons with the number of the company or battery at the intersection of the cannons; the special corps of the Army according to their respective devices. The design will be stenciled in black, the device 5 inches long, and letters and numbers in full-faced characters 1 inch high. The design will be placed above the letters "U. S." on equipments, and the number of the soldier, in characters 1 inch high, will be placed at the bottom near the lower edge of the blanket bag. The canteen will be marked in the manner prescribed for haversacks, except that the marking will be placed on the face not occupied by the "U. S."

[G. O. 90, June 26, 1901.]

363. Post exchanges are established and maintained under special regulations prepared by the War Department. These special regulations will be issued from time to time as necessity may demand.

The amount of indebtedness of a soldier to a post exchange contracted in accordance with such regulations will be noted on the muster roll for the next succeeding month and be deducted, if prac-

ticable, from his pay by the paymaster making the payment and turned over to the post-exchange officer, who will duly receipt to the paymaster and the soldier for the amount so received. In case of discharge of a soldier the amount of any such indebtedness will be noted on the final statements, and in like manner be deducted from payment made thereon.

[G. O. 149, Nov. 13, 1901.]

392. The Ordnance Department will furnish angle-measuring instruments, replotting boards, difference disks, range scales, drawing instruments, material, etc., to seacoast defenses.

[G. O. 130, Oct. 3, 1901.]

555. Supplies, stores, and property of any kind procured out of Army appropriations will not be transferred, in any way or under any circumstances, for the use of Indians except under authority first obtained from the Secretary of War. Any officer violating the terms of this regulation will be charged with the money value of the supplies, stores, or property transferred, and in addition be otherwise held accountable according to circumstances.

[G. O. 165, Dec. 30, 1901.]

640. A company duly incorporated under the laws of the United States, or of any State, and legally authorized to guarantee bonds may be accepted as surety under the conditions prescribed in Article LVII. Lists of such security companies as have conformed to the requirements of law in respect to registration will be published from time to time by the Adjutant-General of the Army. A firm as such will not be accepted as surety, nor a partner for a copartner or firm of which he is a member. Stockholders who are not officers of a corporation may be accepted as sureties for such corporations.

[G. O. 130, Oct. 3, 1901.]

664. Public moneys subject to disbursement coming into the hands of an officer from any source must be promptly placed by him to his credit with the Treasurer or an assistant treasurer of the United States, or a duly designated depository, or transferred to a disbursing officer of that branch of the public service to which the money pertains; in either of which cases a receipt will be obtained. Exceptions to this rule are allowed only in the cases and to the extent authorized by paragraph 666, and money in hand may be disbursed at once without being placed in depositories if payments are due.

[G. O. 140, Nov. 2, 1901.]

664. Public moneys subject to disbursement coming into the hands of an officer from any source must be promptly placed by him to his credit with the Treasurer or an assistant treasurer of the United States, or a duly designated depository, or transferred to a disbursing officer of that branch of the public service to which the money pertains; in either of which cases a receipt will be obtained. Exceptions to this rule are allowed in the cases and to the extent authorized by paragraphs 665 and 666, and

in those cases where officers have been specially authorized by the Secretary of War, when stationed on the extreme frontier or at places far remote from depositories, to keep at their own risk such moneys as may be intrusted to them for disbursement; and moneys in hand may be disbursed at once without being placed in depositories if payments are due.

[G. O. 130, Oct. 3, 1901.]

666. Officers doing subsistence duty at posts or independent stations near which no Treasurer or assistant treasurer of the United States is located are authorized to keep subsistence funds in their personal possession, at their own risk, in amounts not to exceed $100 for each organization (or number of men, recruits, etc., equal to an organization) at such posts or stations.

When it may be necessary to draw a check for obtaining subsistence funds to be kept in personal possession, the disbursing officer will draw it in his own favor and enter under the heading thereon, "Object for which drawn" or "On account of," the following: "To hold funds in personal possession under A. R., 666." Such checks will not be stated to be for "payments under $20."

[G. O. 125, Sept. 21, 1901.]

681. When an original check of a disbursing officer, not exceeding $2,500 in amount, has been lost or destroyed, a duplicate check may be issued by him, after six months and within three years of the date of the original, upon the owner filing with him the notice and proof of loss and the indemnity bond required by sections 3646 and 3647, Revised Statutes, and act of February 16, 1885. In case the disbursing officer who issued the original check is no longer in the service, the notice and proof of loss and the indemnity bond will be sent to the Secretary of the Treasury prior to the issue of a duplicate check. The proper accounting officer of the Treasury will state an account in favor of the owner of said check and charge the amount thereof to the account of such officer. Instructions for the execution and use of the affidavit and bond, and the issue of the duplicate check, accompany the blank form furnished by the Treasury Department.

[G. O. 140, Nov. 2, 1901.]

681. When an original check of a disbursing officer, not exceeding $2,500 in amount, has been lost or destroyed, a duplicate check may be issued by him, after six months and within three years of the date of the original, upon the owner filing with him the notice and proof of loss and the indemnity bond required by sections 3646 and 3647, Revised Statutes, and act of February 16, 1885. In case the disbursing officer who issued the original check is no longer in the service, the notice and proof of loss and the indemnity bond will be sent to the Secretary of the Treasury prior to the issue of a duplicate check. The proper accounting officer of the Treasury will state an account in favor of the owner of said check and charge the amount thereof to the account of such officer. Instructions for the execution and use of the affidavit and bond, and the issue of the duplicate check, accompany the blank form furnished by the Treasury Department.

[G. O. 28, Mar. 17, 1902.]

696. Moneys received for stores, materials, or supplies (except subsistence stores) sold to officers or enlisted men, to exploring or surveying expeditions authorized by law, or to a State or Territory for the use of its national guard or militia (section 3, act of February 24, 1897) will be deposited to the credit of the Treasurer of the United States, and respectively revert to the appropriations out of which originally expended. Proceeds of sales of useless ordnance material and the cost of ordnance issued or sold to the several States are expended under conditions prescribed by law. Proceeds of sales of subsistence supplies are immediately available for the purchase of fresh supplies.

[G. O. 140, Nov. 2, 1901.]

709. Disbursing officers who render accounts which eventually pass to the Treasury Department for settlement are required to prepare their accounts, with abstracts and vouchers complete, and deposit them in the post-office, addressed to the chief of the bureau of the War Department to which they pertain, on or before the 20th day of each month. Irregularities in the mail service or want of blank forms will not excuse a failure to comply with this paragraph. When vouchers are not sent with the account to which they belong, but are subsequently rendered, suitable explanation will be made.

[G. O. 160, Dec. 11, 1901.]

709. Disbursing officers who render accounts which eventually pass to the Treasury Department for settlement are required to prepare their accounts, with abstracts and vouchers complete, and deposit them in the post-office, addressed to the chief of the bureau of the War Department to which they pertain, on or before the 10th day of each month. Irregularities in the mail service or want of blank forms will not excuse a failure to comply with this paragraph. When vouchers are not sent with the account to which they belong, but are subsequently rendered, suitable explanations will be made.

[G. O. 28, Mar. 17, 1902.]

715. Every voucher in support of a payment for supplies or for services, whether it be made pursuant to a formally prepared contract, an accepted bid, or a purchase without advertising, will be made out in favor of the creditor, giving his address, and must state (if for supplies furnished) the date of the purchase, the quantity and price of each article, and the amount; or (if for services) the character of the services, the date or dates on which rendered, and the amount. Where a purchase under an accepted bid after public notice is made, the voucher, besides being subject to the foregoing requirements, will be accompanied by a copy of the public notice, the accepted bid, and a copy of the letter accepting the bid, and must contain a certificate that the award was made to the lowest responsible bidder for the best and most suitable articles, and that the needs of the service required the purchase to be made in the manner indicated by the public notice. Where papers relating to two or more vouchers are required to accompany accounts they must be filed with the first voucher paid and reference thereto made on the other vouchers. A voucher for services by the day or month must state the nature of the service, the inclusive dates of service, the time for which payment is made, the rate of pay, and the amount, and

the receipt of a creditor to a voucher for supplies furnished or services rendered must contain the words "which I certify to be correct."

All vouchers, when practicable, will be rendered in the English language, but if rendered in a foreign language a translation of the same must accompany the voucher.

[G. O. 28, Mar. 17, 1902.]

729. When a signature is not written by the hand of the party it must be witnessed by a disinterested party, a commissioned officer when practicable.

[G. O. 28, Mar. 17, 1902.]

772. When public property has been lost or stolen and the officer responsible therefor has failed to get possession of it by the ordinary means, the post commander may authorize the quartermaster to offer a reward for its recovery, such reward not to exceed one-fifth of the value of the property lost or stolen, and in no case shall it exceed $50. If the property has been stolen the reward shall include such information as the claimant possesses in regard to the larceny and recovery of the property as may lead to a conviction of the guilty party.

[G. O. 130, Oct. 3, 1901.]

817. The allowances hereinbefore provided for the subsistence of civilian employees cease upon the arrival of the employees at the destination mentioned in their orders for travel; they must then subsist on their rations, if entitled to them, or provide for their subsistence out of their regular pay.

[G. O. 28, Mar. 17, 1902.]

940. The recruiting officer will be present at the physical examination of the recruit by the surgeon. In the absence of a commissioned medical officer or contract surgeon recruiting officers will, whenever practicable, employ a civilian physician to make the physicial examination preceding enlistment (see paragraph 1662). A recruiting officer who employs a civilian physician in the manner indicated (in the absence of a commissioned medical officer or contract surgeon) is authorized to take the physician with him to examine recruits when ordered from place to place to make enlistments, and will call upon the proper officer of the Quartermaster's Department to provide the necessary transportation for the civilian physician. At recruiting stations where a large number of recruits are to be examined application will be made to the Surgeon-General for authority to emply a physician by the month under contract. When a recruiting officer who has employed a physician by the month under contract under proper authority is ordered from place to place to make enlistments, he will give the physician proper written orders in advance to accompany him for the purpose of examining recruits, naming the places to be visited, and stating in the order that the travel enjoined is necessary for the public service. When there is no medical examiner at the station the recruiting officer will make the required examination.

[G. O. 167, Dec. 31, 1901.]

1017. The power to pardon or mitigate punishment imposed by a court-martial, vested in the authority which confirms the proceedings or the corresponding authority under whose jurisdiction the sentence is being executed, extends only to unexecuted portions of a sentence. The fact that a soldier has been dishonorably discharged through his sentence does not affect this power. An application for clemency in case of a general prisoner sentenced to confinement in a penitentiary will be forwarded to the Secretary of War for the action of the President. The power to commute sentences imposed by military tribunals, not being vested in military commanders, can only be exercised by the President.

[G. O. 129, Oct. 2, 1901.]

1029. Commanding officers will, before forwarding charges, personally investigate them, and by indorsement on the charges will certify that they have made such investigation and whether in their opinion the charges can be sustained. Before referring charges for which the maximum limit of punishment that may be awarded is greater than one month's forfeiture and confinement to inferior courts for trial, commanding officers will cause the accused to sign a statement on the original charges as to whether or not he consents to trial by summary court. A note of this statement in each case will also be entered on the record of the summary court and on the monthly report of trials by such court.

[G. O. 167, Dec. 31, 1901.]

1031. The charges preferred for offenses cognizable by inferior courts will be laid before the proper commander, who, if he thinks that the accused should be tried, will cause him to be brought before the summary court, where he will be arraigned and allowed to plead according to prevailing court-martial practice. If the accused neither holds a certificate of eligibility to promotion, nor (being a noncommissioned officer) objects to trial by summary court, nor pleads guilty, witnesses will be sworn and evidence received, the accused being permitted to testify in his own behalf and make a statement; but the evidence and statement will not be recorded. The summary court as soon as trial is concluded will record its findings and sentence in the summary court record and submit it to the officer appointing the court, who will record therein his approval or disapproval, in part or in whole, with date and signature. Should the only officer present with the command sit as summary court, the findings and sentence will be recorded in like manner. No other record of the proceedings will be kept and such trials will not be published in orders. Post commanders will furnish company and other commanders with copies of the summary court record relating to men of their commands, said copies to be certified to be true copies by the post commander or adjutant.

[G. O. 167, Dec. 31, 1901.]

1032. When the only officer present with a command sits as summary court, no approval of the sentence is required by law, but he should sign the sentence as such officer and date his signature.

[G. O. 129, Oct. 2, 1901.]

1036. Whenever under the summary court act or the eighty-third article of war it becomes necessary to convene a garrison or regimental court, the order appointing it will state the facts which bring the cases to be tried within the exceptions of those laws.

[G. O. 28, Mar. 17, 1902.]

By direction of the Secretary of War, paragraph 1095 of the Regulations is rescinded.

[G. O. 140, Nov. 2, 1901.]

1110. Clause 13.

A regimental, squadron, or battalion sergeant-major, quartermaster-sergeant, color sergeant, sergeant of the post noncommissioned staff, hospital steward, principal musician, signal sergeant,† enlisted men of the Signal Corps when employed as signal sergeants, chief trumpeter,† and chief musician, each	1	....	....	½	1	¼	⅛	1	....	....

[G. O. 39, Apr. 24, 1902.]

1110. Clause 13.

A sergeant major, regimental; sergeant-major, senior grade, artillery; ordnance sergeant; post commissary-sergeant; post quartermaster sergeant; electrician sergeant; hospital steward; quartermaster-sergeant and commissary-sergeant, regimental; chief musician; signal sergeant and an enlisted man employed as signal sergeant, except when serving in a detachment	1	....	....	½	1	¼	⅛	1	....	....

[G. O. 39, Apr. 24, 1902.]

1110½. Whenever practicable commanding officers may designate a room as quarters for each of the battalion noncommissioned staff officers, color sergeants, chief trumpeters, and principal musicians; such as can not be furnished separate quarters may be grouped in squad rooms set apart for their use; for the quarters so provided the Quartermaster's Department will furnish stoves, fuel, and illuminating supplies in the number and quantity certified to as necessary by the quartermaster and approved by the commanding officer.

[G. O. 39, Apr. 24, 1902.]

1114. Noncommissioned officers entitled to and occupying quarters may each be allowed one cooking stove in lieu of one heating stove.

[G. O. 39, Apr. 24, 1902.]

1117. Lamps having one or two burners, with circular wicks of about 1½ inches inside diameter, will be issued as follows: To troops in barracks at the rate of one burner for every ten men and every fraction thereof, when the fraction is five or more, of the maximum strength allowed the organization, and such number of lamps or lanterns for lighting interior passageways as may be necessary, not to exceed three in each barrack. To companies messing separately three additional burners. To each noncommissioned staff officer, post, regimental, squadron, battalion, and Artillery Corps; to each hospital steward, chief musician, first sergeant, and drum major; to each signal sergeant and enlisted man employed as signal sergeant, except when serving in a detachment, a lamp with a single burner. For hospitals, such number of burners, not to exceed one for each ward or room, as may be deemed necessary by the post surgeon and post commander.

[G. O. 39, Apr. 24, 1902.]

1130. Each noncommissioned officer entitled to and occupying separate quarters at posts where gas or electricity is installed will be allowed for the period between September 1 and April 30, 1,500 cubic feet of gas or 20,000 watts electric current per month, and from May 1 to August 31, 900 cubic feet of gas or 12,000 watts electric current per month. Gas or electricity in excess of these allowances will be paid for at the end of each month to the quartermaster by the responsible noncommissioned officer.

At posts where the electric current is furnished from Government plant the charge for the excess will be at the rate of 10 cents per 1,000 watts. At posts where gas or electric current is obtained from local company the charge for the excess will be at contract price.

[G. O. 140, Nov. 2, 1901.]

1157. Forage is furnished only to officers for the horses owned and actually kept by them in the performance of their official duties when serving with troops in the field or at military posts and stations, and for the following number: To a lieutenant-general, 4; to a major-general or a brigadier-general, 3; to a colonel, lieutenant-colonel, major, captain, or lieutenant, mounted, and regimental adjutant, quartermaster, and commissary, each 2.

[G. O. 39, Apr. 24, 1902.]

1232. The following persons are entitled at public expense to a double berth in a sleeping car or to the customary stateroom accommodations on steamers where extra charge is made for the same: Officers of the Army when traveling on duty with troops; army nurses; civilian clerks and agents in the military service when traveling under orders on public business, and also the following when traveling under orders without troops: Sergeants-major, regimental, squadron, and battalion; sergeants-major, senior and junior grades, artillery; ordnance sergeants; commissary-sergeants, post

and regimental; quartermaster-sergeants, post, regimental, and battalion of engineers; electrician sergeants, hospital stewards, color sergeants, chief musicians, chief trumpeters, principal musicians, signal sergeants, first sergeants, drum majors; also invalid soldiers when so traveling on the certificate of a medical officer showing the necessity therefor.

When the number of officers traveling with troops is too small to justify the hire by the Quartermaster's Department of a standard sleeping car for their accommodation, they shall be furnished with such part of a tourist sleeping car or other suitable sleeping car, properly curtained off for their accommodation, as the Quartermaster's Department may provide for their use during the journey.

[G. O. 121, Sept. 12, 1901.]

1242. The baggage to be transported at public expense, including mess chests and personal baggage, upon change of station will not exceed the following weights:

Rank.	In the field.	Changing station.
	Pounds.	*Pounds.*
Major-general	1,000	3,500
Brigadier-general	700	2,800
Field officer	500	2,400
Captain	200	2,000
First lieutenant	150	1,700
Contract surgeon and contract dental surgeon	150	1,700
Second lieutenant and veterinarian	150	1,500
Post and regimental noncommissioned staff officer, hospital steward, chief musician, sergeant of the Signal Corps, squadron and battalion sergeant-majors, each		500

For officers and others in the above list, when embarking under orders for extended service over the sea and for duty in Alaska, and upon change of station in Alaska and in places beyond the limits of the States composing the Union, as well as upon return to the said States, the allowance of baggage to be transported by the Quartermaster's Department from initial point to port of embarkation and from port of debarkation to garrison station will be three times the allowance prescribed above for change of station.

The provisions of this paragraph will also extend to officers who are ordered to duty in Alaska or the island of Guam, and the same transportation allowance will be granted to officers on change of station in Cuba, Porto Rico, the Philippine Islands, Hawaii, Alaska, and Guam, and on return to the United States.

These allowances are in excess of the weights transported free of charge under the regular fares by public carriers. They may be reduced *pro rata* by the commanding officer, if necessary, and may in special cases be increased by the War Department on transports by water. Shipments of officers' allowance of baggage will in all cases be made at carrier's risk, including those over roads where tariffs provide for extra charge therefor. An officer detailed for duty in a foreign country as a military attaché is entitled to transportation of professional books and papers and the number of pounds of personal baggage specified in the above table only.

[G. O. 39, Apr. 24, 1902.]

1242. The baggage to be transported at public expense, including mess chests and personal baggage, upon change of station will not exceed the following weights:

Rank.	In the field.	Changing station.
	Pounds.	*Pounds.*
Major-general	1,000	3,500
Brigadier-general	700	2,800
Field officer	500	2,400
Captain	200	2,000
First lieutenant, contract surgeon, and contract dental surgeon	150	1,700
Second lieutenant and veterinarian	150	1,500
Sergeants-major, regimental; sergeants-major, senior grade, artillery; ordnance sergeants; post commissary-sergeants; post quartermaster-sergeants; electrician-sergeants; hospital stewards; quartermaster-sergeants and commissary-sergeants, regimental; chief musicians; signal sergeants	.....	500

For officers and others in the above list, when embarking under orders for extended service over the sea and for duty in Alaska, and upon change of station in Alaska and in places beyond the limits of the States composing the Union, as well as upon return to the said States, the allowance of baggage to be transported by the Quartermaster's Department from initial point to port of embarkation and from port of debarkation to garrison station will be three times the allowance prescribed above for change of station.

These allowances are in excess of the weights transported free of charge under the regular fare by public carriers. They may be reduced pro rata by the commanding officer, if necessary, and may in special cases be increased by the War Department on transports by water. Shipments of officers' allowance of baggage will in all cases be made at carrier's risk, including those over roads where tariffs provide for extra charge therefor. An officer detailed for duty in a foreign country as a military attaché is entitled to transportation of professional books and papers and the number of pounds of personal baggage specified in the above table only.

[G. O. 106, Aug. 8, 1901.]

1311. Leggins for all troops of cotton duck, according to color and pattern in the office of the Quartermaster-General, will be worn on marches and campaigns.

They will form part of the annual clothing money allowance and be charged to the enlisted men at cost price.

[G. O. 140, Nov. 2, 1901.]

1321. Officers of the Army, contract and dental surgeons, and veternarians may purchase from the Quartermaster's Department such articles of uniform clothing, clothing materials, and equipage as they need, provided the property is available. They will certify that the articles are for their personal use.

[G. O. 39, Apr. 24, 1902.]

1328. The allowance of corn brooms and scrubbing brushes will be as follows:

For each organization having an authorized maximum strength of 150 enlisted men or over, 9 brooms and 6 brushes per month.

For each organization having an authorized maximum strength of 100 enlisted men, more or less, 6 brooms and 4 brushes per month.

Two brooms and 1 brush per month to each regimental band.

Three brooms and 2 brushes per annum for each noncommissioned staff officer, including those of posts, regiments, squadrons, battalions, and the Artillery Corps.

Six brushes per annum to each post bakery.

Twelve brooms and 8 brushes per annum to each city recruiting station.

They will habitually be drawn quarterly, but may be drawn when needed. If less than the maximum allowance be drawn in one quarter credit can not be given in another.

[G. O. 165, Dec. 30, 1901.]

1352. Purchasing commissaries make purchases of supplies in accordance with Article LVI and distribute them as directed. Upon direct calls of chief commissaries they transfer to commissaries of posts and stations such funds from the appropriation "Subsistence of the Army" and such authorized subsistence supplies as chief commissaries, under instructions from department commanders, deem necessary.

[G. O. 130, Oct. 3, 1901.]

1355. Subsistence supplies comprise—

1. Subsistence stores consisting of articles composing the ration and those furnished for sale to officers and enlisted men, also ice for organizations of enlisted men stationed in island possessions, lantern candles for stable use, forage for beef cattle, and coarse salt for public animals and rebrining.

2. Subsistence property, consisting of the necessary means for handling, preserving, issuing, selling, and accounting for these stores.

[G. O. 165, Dec. 30, 1901.]

1356. The commanding officer of a post will require an inventory of subsistence stores on hand to be made by the commissary in person during the last week of each month. If it is not practicable for the commissary to take the inventory within the time mentioned, he will apply to the commanding officer for the detail of an officer to take it, who will certify on the statement of gains and of wastage in issues and sales (Form No. 39) the fact of detail and the date on which he took the inventory; the commissary will certify to amounts of gains and of actual wastage. When such inventory indicates that stores are on hand in excess of the balances shown by the return, the excess will be taken up under the heading "Gains." Deficiencies (as restricted by paragraph 1368) will be entered under the heading "Wastage." Statements of gains and of wastage in issues and sales (Form No. 39) will be examined and approved by the commanding officer.

The presence of a commissary-sergeant at a post does not in any manner relieve the commissary from responsibility for the care of subsistence supplies. Commanding officers of posts, according to their responsibilities and duties as fixed and prescribed by paragraphs 740 and 832 of these Regulations, are to carefully supervise the duties of commissaries at their respective posts and are not to permit them to devolve their duties in any degree upon the commissary-sergeants. In cases of losses and embezzlements of subsistence stores or property, boards of survey in their proceedings and recommendations are to be guided by the requirements of paragraph 793.

[G. O. 165, Dec. 30, 1901.]

1368. Actual, unavoidable wastage will be allowed on issues and sales only as follows:

Articles.	Percentage.	Articles.	Percentage.
Salt meats, not canned	2	Vegetables, fresh	3
Salt fish, not canned	2	Sugar, issue	3
Flour, issue, not canned	2	Salt, issue	3
Hard bread, not canned	2	Soap, issue	3
Corn meal	2	Pickles	2
Beans	1	Butter, not canned	3
Peas	1	Coffee, extra, Java and Mocha	1
Rice	1	Flour, family	2
Hominy	1	Molasses, in barrels	3
Dried fruits	2	Sirup, cane, in barrels	3
Coffee, issue	1	Sugar, cut-loaf	3
Tea, black	1	Sugar, granulated	3
Tea, green	1	Sugar, powdered	3

Wastage entered on returns of subsistence stores, as hereby authorized, must in all cases have been actual and must have occurred unavoidably, and in no other way than in making issues and sales; all other deficiencies must be accounted for (1) by boards of survey, (2) by affidavits, (3) by certificates of disinterested commissioned officers.

[G. O. 165, Dec. 30, 1901.]

1370. Deficiencies exceeding the percentages specified in paragraph 1368, or in articles for which a limit of wastage is not therein indicated, or arising from losses by straying or death of beeves, or errors in their estimated net weight, or from losses by theft, fire, or vermin, or from deficient or unsuitable means of storage, etc., will be accounted for (1) by boards of survey, (2) by affidavits, (3) by certificates of disinterested commissioned officers. Boards of survey should generally report upon such deficiencies, affidavits or certificates being used only in cases where the amount involved is very small or when it is impracticable to assemble a board.

[G. O. 130, Oct. 3, 1901.]

1380. [3. Travel ration.]

Articles.	Per 100 rations.
	Pounds.
Soft bread	112½
or hard bread	100
Canned corned beef or corned beef hash	75
Baked beans	25
Canned tomatoes	50
Coffee, roasted and ground	8
Sugar	15

[G. O. 39, Apr. 24, 1902.]

1390½. The ration returns (Form No. 53) of all separate organizations of a regiment or post for the same ration period will be entered by the regimental or post adjutant upon the consolidated ration return (Form No. 66), which latter return after approval by the regimental or post commander will be issued upon by the commissary, care being exercised by the regimental and post commanders to see that all additions and deductions of rations have been correctly made (A. R. 1390). The commissary will enter the totals of the consolidated ration return on his abstract of issues (Form No. 40), and there will be shown in the proper column on the abstract the several organizations for whom issues were made, giving the strength of each.

[G. O. 130, Oct. 3, 1901.]

1392. The medical officer in charge of a general, post, or camp hospital, hospital ship, or transport carrying patients is authorized to purchase, in conformity with the requirements of Article LVI, such articles of food, both solid and liquid, not carried in stock by the subsistence officer who issues rations to the hospital, and to call upon such subsistence officer for the issue of such quantities of articles from the stock already on hand as, in the judgment of the medical officer, are required for the diet of enlisted patients under his charge who are too sick to be subsisted on the ration as ordinarily issued; the total combined money value of the stores hereby authorized to be purchased and issued as above in any month not to exceed the rate calculated on the month's transactions of 40 cents per man per day for those actually requiring special diet. Subsistence officers are authorized to pay all duly certified bills of purchases made by medical officers under the provisions of this paragraph, or to make the purchases themselves at the request of the medical officers, and to make issues for special diet hereunder from stores on hand at their request, provided the rate of 40 cents per man per day for those enlisted men actually requiring special diet is not exceeded in any month.

[G. O. 130, Oct. 3, 1901.]

1394. Medical officers having enlisted patients on special diet will make return of such patients at the end of each month on Form No. 69, Subsistence Department, and send the same to the subsistence officer. After the subsistence officer has entered the vouchers for purchases and the articles issued for special diet and deduced the rate per man per day which the special diet for the month has cost, the certificates at the foot of the form will be duly executed by the medical officer and the subsistence officer, and the medical officer will file with the subsistence officer Form No. 69, and with it, if he has made an open-market emergency purchase exceeding $200 in amount, the report required by paragraph 648 (Form No. 9), signed by him. As authorized articles of special diet are immediately expendable by the medical officers, Form No. 69, when duly executed, will be accepted by the Commissary-General as the return of the medical officer for the subsistence stores involved. Purchase vouchers certified by medical officers will state that the stores will be accounted for "on Form No. 69, to be filed with the account current of ——— for the month of ———, 190—."

[G. O. 130, Oct. 3, 1901.]

1396. The subsistence officer who pays for purchases of articles of special diet will enter in a group on his abstract of disbursements (Form No. 5 or 6) all such payments made in the month, and will enter the articles as "hospital supplies" in the column headed "on what account."

[G. O. 39, Apr. 24, 1902.]

1401. When a person entitled to rations leaves an organization or is ordered to travel with travel rations, the rations issued to him for any period beyond the date of his leaving and not taken with him will be deducted on the next ration return of the organization. The ration return of an organization will include all persons belonging to it who are to draw their rations separately; the names of such persons will be written on the ration return.

[G. O. 39, Apr. 24, 1902.]

By direction of the Acting Secretary of War, paragraphs * * * and 1402 of the Army Regulations are hereby revoked.

[G. O. 130, Oct. 3, 1901.]

OTHER ISSUES OF SUBSISTENCE STORES.

1403. The following issues are made when necessary for the public service:

Articles.	Allowance.	
	Quantity in bulk.	Equivalent in rations.
1. Candles, when oil, gas, or electricity for illuminating purposes is not furnished by the Quartermaster's Department:		
To headquarters of a department, per month	30 pounds	2,000
To headquarters in the field—		
Of each separate army, when composed of more than one corps, per month	40 pounds	2,667
Of an army corps, per month	30 pounds	2,000
Of a division, per month	20 pounds	1,333
Of a brigade or regiment, per month	10 pounds	667
Of a battalion or squadron, per month	10 pounds	667
To a division hospital, per month	40 pounds	2,667
To a brigade hospital, per month	30 pounds	2,000
To a regimental hospital, per month	20 pounds	1,333
To officers and storerooms—		
Of the chief quartermaster or chief commissary of a department or depot of supply, from April 1 to September 30, per month	10 pounds	667
Of the quartermaster or commissary of a post, from April 1 to September 30, per month	5 pounds	333
From October 1 to March 31, not exceeding double the above quantities.		
To guards—		
To the principal guard of each camp, per month	12 pounds	800
2. Lantern candles:		
To stables—		
Such number of pounds as the commanding officer may order as necessary.		
3. Matches:		
For lighting fires and lamps for which fuel and illuminating supplies are issued—		
Such quantities as the commanding officer may order as necessary.		
4. Toilet paper:		
For use of enlisted men stationed at such military posts and camps as are provided with modern water-closets with sewer connections—		
For each two enlisted men, per month, one package or roll of 1,000 sheets.		

Articles.	Allowance.	
	Quantity in bulk.	Equivalent in rations.
4. Toilet paper—Continued.		
For use in water-closets of post guardhouses where such closets have sewer connections—		
Such quantities as the commanding officer may order as necessary.		
5. Salt, coarse:		
For public animals—		
For each animal, per week	2 ounces	$3\frac{1}{9}$
Or, when in the opinion of the commanding officer so much is necessary, not exceeding, per month	12 ounces	19
6. Vinegar:		
For every 100 public horses or mules, for sanitary purposes—		
Such amount as the commanding officer may order as necessary, not exceeding, per week	2 gallons	200
7. Flour:		
For paste used in target practice—		
Such quantity as the commanding officer may order as necessary, not to exceed 50 pounds for each troop, battery, or company during the target-practice season.		
8. Towels, huck:		
For use in the offices of the adjutant, quartermaster, and commissary—		
Such number as the commanding officer may order, not to exceed twelve per year, for each of the above offices.		

The issues are made on ration returns signed by the officer in charge and issues are ordered by the commanding officer, the latter determining what quantities, within the limits above prescribed, shall be issued. Candles, coarse salt, vinegar, and flour for the above purposes are entered on the ration returns and on the abstract of issues in terms of rations, lantern candles in pounds, and matches in boxes. The returns and abstract show for what places the candles, towels, and toilet paper are intended, and the number of animals and period for which coarse salt and vinegar are drawn, giving the troop, battery, etc., to which they belong. Towels will be issued on receipts to the commissary. They will not be accounted for on the returns of the officers receiving them, but will be continued in use until worn out.

[G. O. 164, Dec. 27, 1901.]

I. By direction of the Secretary of War, section 5, paragraph 1403 of the Regulations, as amended by General Orders, No. 130, October 3, 1901, from this office, is further amended to read as follows:

Articles.	Allowance.	
	Quantity in bulk.	Equivalent in rations.
* * * * * *		
5. Salt, rock:		
For public animals—		
For each animal per week	3 ounces	$4\frac{11}{16}$
Or, when in the opinion of the commanding officer so much is necessary, not exceeding per month	1 pound	25
* * * * * *		

[G. O. 130. Oct. 3, 1901.]

1404. Such of the following articles as may be necessary, not to exceed in value 50 cents per month for each general prisoner confined at a military post without pay or allowances, will be issued by commissaries on the 15th day of each month to the officer in charge of prisoners, viz:

Beeswax.	Buttons.	Scissors.
Blacking, shoe.	Combs, fine.	Soap, issue.
Brooms, whisk.	Combs, horn.	Soap, shaving.
Brushes, blacking.	Mugs, shaving.	Thread.
Brushes, hair.	Needles.	Toilet paper.
Brushes, shaving.	Razors.	Toweling, unbleached.
Brushes, tooth.	Razor strops.	

Requisitions for these articles will set forth the number of general prisoners present at the post, and must be approved by the post commander. The receipt of the officer in charge will be the commissary's voucher for dropping the articles from his return. No articles issued under this paragraph, except tooth brushes, fine combs, buttons, and thread, will be carried away by prisoners when transferred or discharged. Towels used by prisoners will be laundered by those who use them. When specially authorized by the Secretary of War, the Subsistence Department will supply to posts where thirty or more general prisoners are confined a sewing machine and other necessary tailors' utensils for use in mending prisoners' clothing.

Articles issued in pursuance of this paragraph will not be accounted for on property returns by officers receiving them, but will be continued in use until worn out.

[G. O. 130, Oct. 3, 1901.]

1404½. A recruiting officer stationed elsewhere than at a military post is authorized to purchase such of the following articles as may be necessary for the use of all the recruits at his station at an expense not exceeding 70 cents per month, namely:

Blacking, shoe.	Combs, coarse horn.
Brooms, whisk.	Toilet paper.
Brushes, blacking.	Toweling, unbleached.
Brushes, hair.	

If the officer is supplied with subsistence funds, he will pay the vouchers made out on Form No. 8, the certificate thereon being properly modified. If not supplied with funds, he will send the duly certified vouchers for payment to the chief commissary of the department in which the recruiting station is located. The towels in use by recruits at recruiting stations will be laundered at the expense of the Quartermaster's Department.

At a recruiting station at a military post such quantities of unbleached toweling, not exceeding 12 yards for a six months' supply, and such quantity of issue soap as may be necessary will be issued to the recruiting officer at the post by the commissary upon requisition, approved by the commanding officer, for use exclusively by applicants for enlistment, recruits on probation, and newly enlisted men awaiting transfer to permanent stations. Towels will be laundered by those who use them. The receipt of the recruiting officer will be the commissary's voucher for dropping the articles from his return.

Such quantities of toilet paper as may be absolutely necessary for the use of recruits at recruit rendezvous will be issued by the commissaries to the officers in charge on

requisitions approved by the post commanders. The receipt of the officer in charge will be the commissary's voucher for dropping the articles from his return.

Articles issued in pursuance of this paragraph will not be accounted for on property returns by officers receiving them, but will be continued in use until worn out.

[G. O. 130, Oct. 3, 1901.]

1413½. When railroads equipped with eating houses, or when public eating houses established along railroads not so equipped, have agreed to furnish meals to enlisted men traveling unaccompanied by a commissioned officer on meal tickets issued for the purpose, the commanding officer ordering transportation for enlisted men so traveling over such roads may direct the Subsistence Department to issue meal tickets for use *en route*. A noncommissioned officer or private traveling in charge of a detachment will be furnished the meal tickets (Form No. 76, Subsistence Department) for the detachment, and will duly execute the receipt upon a ticket for the number of meals furnished at any authorized point and leave the receipted ticket with the representative of the eating house there present. A soldier traveling alone will receipt the ticket and leave it in the same way. These receipted tickets will be returned by the railroads or public eating houses, accompanied by bills, to the commissary who issued them, who will prepare vouchers and pay the same. Recruiting officers not at permanent stations may request those to whom meal tickets are addressed to forward them for payment to the chief commissary of the department—giving name and address—in which they are recruiting.

At the end of a journey all unused meal tickets will be turned over by soldiers to the commanding officer of the post, who will promptly return such tickets to the issuing officer.

The chief commissary of a department will ascertain what, if any, arrangements can be made with the various railroads and public eating houses established along lines of travel over which enlisted men are usually routed in and from his department, and if satisfactory arrangements are made he will cause the necessary information to be communicated to the various commissaries and recruiting officers who may be doing duty in the department, and will also cause them to be notified from time to time as changes occur.

IV. By direction of the Acting Secretary of War, the following instructions are published for the guidance of all concerned:

Commanding and other officers ordering transportation to the Pacific coast via Chicago for noncommissioned officers, privates, and recruits, under paragraph 1413½, as published in this order, will provide subsistence for the men by meal tickets or otherwise to Chicago only, and will call upon the chief commissary, Department of the Lakes, in their orders directing the travel, for five days' meal requests for the portion of the journey from Chicago to the points on the Pacific coast to which the men are ordered. Where through transportation to the Pacific coast is furnished at the initial point of the journey, a copy of the order for the journey will be mailed by the commanding or other officer, at least twenty-four hours in advance of the departure of the men, to the chief commissary, Department of the Lakes, Chicago, Ill., who will send the necessary meal requests to meet the men on arrival at the railroad station in Chicago, thus avoiding delay of the men in that city. A copy of the order will also be furnished the party in charge of the detachment, which will be surrendered by him to the person in Chicago from whom he receives meal requests. Noncommissioned officers, privates, and recruits not furnished with through transportation at initial points of journeys will be instructed to report at the headquarters, Department of the Lakes, if they arrive in Chicago before 3.30 p. m., and at the recruiting station, No. 82 West Madison street, if they arrive after that hour. Those reporting at the latter place will be

furnished by the recruiting officer with supper and lodging for the night and breakfast the next morning, and will then be sent to department headquarters for the necessary orders for transportation and meal requests to the end of their journey.

[G. O. 165, Dec. 30, 1901.]

1419. The furlough of an enlisted man will show by memorandum of his company commander to what day he was last rationed and the number of rations, if any, drawn for him previous to his going on furlough, for the time covered by the furlough, and the certificate of his company commander on the back of the furlough will show the date on which he rejoined his proper station or was discharged and that the rations overdrawn for him were duly deducted from a ration return of his company. If entitled to commutation he will be paid by any commissary upon the presentation of the furlough containing the above memorandum and certificate. The paying officer will file the furlough as a subvoucher to his receipt roll, and indorse on the furlough the date, mode, and amount of payment. The authority under which a furlough is granted (whether under Army Regulations or in pursuance of the orders of a superior) should be cited on the face of the furlough by the officer granting it. If the period for which the furlough is given is within the competency of the authority cited no copy of the order is needed to accompany the furlough when presented to a disbursing officer for payment of commutation of rations; but if the period is manifestly beyond the competency of the authority cited the furlough should when presented for payment of commutation of rations be accompanied by copies of all orders in pursuance of which it was given.

[G. O. 130, Oct. 3, 1901.]

By direction of the Acting Secretary of War, paragraph 1425 of the Regulations of 1901 is revoked.

[G. O. 130, Oct. 3, 1901.]

1430. Civilians employed with the Army, including those expressly employed for their services as tailors, shoemakers, and laundrymen, may be allowed, at remote places or in the field where food can not otherwise be procured, to purchase from the Subsistence Department, in limited quantities for their own use, for cash, at cost prices with 10 per cent added, such articles of the ration or of stores kept for sales to officers and enlisted men as can be spared from the supplies on hand.

[G. O. 164, Dec. 27, 1901.]

1448. To entitle an officer to additional pay under the acts of April 26, 1898, and May 26, 1900, for exercising a command above that pertaining to his grade, he must have exercised such command of troops operating against an enemy for a period of three months or more continuously, in obedience to orders issued by superior authority which he was bound to obey, and no pay or allowances as of a higher grade than that actually held by an officer will be paid him under this regulation unless a certified copy, in duplicate, of such order, accompanied by a statement of service thereunder, is filed with the paymaster.

[G. O. 140, Nov. 2, 1901.]

1449. The 10 per cent increase allowed to officers serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto will be paid on their regular monthly pay vouchers which will be made up to include the entire compensation, of whatever character, which may be due the officer for the calendar month, or months, included in the accounts. There will be noted on the pay accounts the numbers and dates of orders or any other facts which affect the officer's pay status for the period covered by the accounts presented for payment.

[G. O. 140, Nov. 2, 1901.]

1487. In the following cases no expense of travel is allowed: In joining for duty upon first appointment to the military service, or under the first order after a reinstatement or reappointment, or under an order to effect a transfer from one company or regiment to another, made at the request of the officers transferred. Assistant, contract, and dental surgeons, graduates of the Military Academy, and officers appointed from the ranks, joining under first order after appointment or commission, are excepted from these provisions.

[G. O. 39, Apr. 24, 1902.]

1492. An officer does not lose his right to quarters or commutation at his permanent station by a temporary absence on duty. While he continues to hold that right and exercises it by constructive occupation or use of any kind he can not legally demand quarters nor commutation at any other station. Exceptions to this rule may be made by the general officers exercising command of the troops in the Philippine Islands in cases arrising in their commands; in all other cases only by the Secretary of War, upon the approval of the commanding general of the department.

[G. O. 140, Nov. 2, 1901.]

1528. Reenlistment pay, under section 1282, Revised Statutes, and act of August 1, 1894, will be allowed to all enlisted men at the rate of pay provided for the fifth year of continuous service. This reenlistment pay, having been once earned by five years' continuous service, will be paid to the soldier during all subsequent service, whatever period of time may intervene between enlistment and prior discharge.

[G. O. 140, Nov. 2, 1901.]

1530. The reenlistment pay of an enlisted man not entitled to continuous-service allowances will be indicated on the muster and pay rolls as "entitled to reenlisted pay." Should he be serving in the first five years, or be entitled to both reenlistment and continuous-service pay, the rolls should show the year of continuous service in which he is serving.

[G. O. 140, Nov. 2, 1901.]

1552. For any sum deposited for the period of six months or longer the soldier, when discharged, will be paid interest at the rate of 4 per cent per annum to date of discharge.

[G. O. 140, Nov. 2, 1901.]

1564. An enlisted man discharged for minority concealed at enlistment, or for other cause involving fraud on his part in the enlistment, is not entitled to pay and allowances, including those for travel, and will not receive final statements unless deposits are due him, in which case final statements, containing only a list of his deposits, will be furnished.

[G. O. 140, Nov. 2, 1901.]

1583. In accordance with the act of Congress authorizing their employment, dental surgeons will "serve the officers and enlisted men of the Regular and Volunteer Army." The families of officers and civilian employees attached to the Army are not entitled to their services. In this connection contract and contract dental surgeons are to be regarded as officers.

[G. O. 140, Nov. 2, 1901.]

1595. Department commanders, upon the recommendation of the chief surgeon of their respective departments, are authorized to detail privates of the Hospital Corps as acting hospital stewards, after examination as now required by regulations: *Provided, however*, That the allowance of acting hospital stewards and privates of the Hospital Corps, as fixed for each of the respective commands in a military department, shall not be exceeded except by special authority from the Secretary of War.

Subject to the approval of the Secretary of War, hospital stewards will be appointed by the Surgeon-General of the Army, and privates of the Hospital Corps will be detailed as acting hospital stewards by the Surgeon-General or by the chief surgeon of the division or department or army with which they may be serving: *Provided, however*, That the allowance of hospital stewards and acting hospital stewards as fixed by existing regulations shall not be exceeded except by special authority of the Secretary of War.

[G. O. 160, Dec. 11, 1901.]

1595. Subject to the approval of the Secretary of War, hospital stewards will be appointed by the Surgeon-General of the Army; privates of the Hospital Corps will be detailed as acting hospital stewards by the Surgeon-General or by the chief surgeon of the division or department or army with which they may be serving: *Provided, however*, That the allowance of hospital stewards and acting hospital stewards as fixed by existing regulations shall not be exceeded except by special authority of the Secretary of War.

[G. O. 139, Nov. 2, 1901.]

1595½. To test the capacity of privates of the Hospital Corps for the duties of noncommissioned officers the Surgeon-General and chief surgeons may appoint lance acting hospital stewards, who will hold such appointment not to exceed three months and will be obeyed and respected as acting hospital stewards. The appointments, with the approval of the Surgeon-General or chief surgeon, may be renewed for three months, but no detachment shall have more lance acting hospital stewards at a time than enough to make the proportion of all noncommissioned officers present for duty one to four privates of the Hospital Corps. Lance acting hospital stewards are on the same footing regarding reduction as acting hospital stewards. A lance acting hospital steward will wear the uniform of a private with a chevron having one bar of braid.

[G. O. 140, Nov. 2, 1901.]

1596. The commander of an army corps, or of a division or brigade acting independently of a corps, is charged with the full control of the transfer from the line, the enlistment, reenlistment, and discharge of members of the Hospital Corps of his command.

[G. O. 140, Nov. 2, 1901.]

1598. One enlistment paper for each recruit of the Hospital Corps will be forwarded, with the form for physical examination, direct to the Surgeon-General, who will render to the Adjutant-General of the Army a monthly recruiting return accompanied by one of each set of enlistment papers.

[G. O. 160, Dec. 11, 1901.]

1598. The enlistment paper for each recruit of the Hospital Corps will be forwarded with the form for physical examination direct to the Surgeon-General, who will render to the Adjutant-General of the Army a monthly recruiting return accompanied by the enlistment papers pertaining to it.

[G. O. 140, Nov. 2, 1901.]

1599. Enlisted men who are serving in the line may be transferred to the Hospital Corps as privates. Musicians are not eligible. Transfers will be made by the department commander upon the application of the post surgeon approved by the post commander, stating age, character, physical condition, and habits of the soldier, whether for existing or prospective vacancy, and the date of expiration of current enlistment. If the soldier be over 40 years of age his special qualifications for transfer will be stated.

Enlisted men of the line, except those serving as musicians, may be transferred with their own consent to the Hospital Corps as privates. Applications for transfer will be made by the surgeon through military channels to the Adjutant-General of the Army, stating age, date of enlistment, physical condition, character, habits, and special qualifications, if any, of the soldier, and whether the transfer is to fill an existing vacancy or for general service.

[G. O. 160, Dec. 11, 1901.]

1599. Enlisted men of the line, musicians excepted, may be transferred to the Hospital Corps as privates by the department commander on the application of the surgeon of the post or command, forwarded through military channels. The application will state the age, character, physical condition, and habits of the soldier, date of expiration of current enlistment, and whether made for an existing or prospective vacancy. If the soldier be over 40 years of age his special qualifications for transfer will be stated.

[G. O. 140, Nov. 2, 1901.]

1604. All members of the Hospital Corps will be equipped with canteen complete, haversack complete, tin cup, waist belt and plate, one-half shelter tent complete, and the privates also with Hospital Corps pouch and litter sling. This equipment will be issued to the man, charged to him on the descriptive book, and when station is changed will be noted on the descriptive list, dropped from the property returns by the responsible medical officer, and taken up by the medical officer to whom the man reports, both of whom will notify the respective departments to which the property pertains accordingly.

[G. O. 140, Nov. 2, 1901.]

1612. At each post one or more of the privates of the corps will be designated by the surgeon as ambulance driver. In addition to his other duties, he will care for the ambulance, its equipment and harness, and see that they are always in readiness for immediate use. In the field he will care for the animals. When it is necessary to use the ambulance for any transportation purposes, the commanding officer, on the application of the surgeon, will see that the requisite animals are provided by the quartermaster and placed at the disposal of the surgeon.

[G. O. 140, Nov. 2, 1901.]

1616. In field service, troops will be accompanied by such number of men of the Hospital Corps as may be determined by the military commanders on the recommendation of the senior medical officer.

[G. O. 140, Nov. 2, 1901.]

1617. On the march, each medical officer will habitually be attended by a mounted private of the Hospital Corps. Hospital stewards, acting stewards, and at least one private of the corps in each separate command will be mounted when serving in the field, and all privates of the corps will be mounted when serving with mounted commands. Horses will be furnished by the Quartermaster's Department and horse equipments by the Medical Department for members of the corps on duty in the field when practicable. When no horses are available, special application for authority to hire must be made.

[G. O. 160, Dec. 11, 1901.]

1617. On the march each medical officer will habitually be attended by a mounted private of the Hospital Corps. Hospital stewards, acting stewards, and at least one private of the corps in each separate command will be mounted when serving in the field, and all privates of the corps will be mounted when serving with mounted commands. Horses will be furnished by the Quartermaster's Department and horse equipments by the Ordnance Department for members of the corps on duty in the field when practicable. When no horses are available, special application for authority to hire must be made.

[G. O. 140, Nov. 2, 1901.]

1618. Ambulances will be used for the transportation of the sick and injured, the instruction of the Hospital Corps, and, in urgent cases, for the transportation of medical supplies, and all persons are prohibited from using them, or requiring or permitting them to be used, for any other purpose. It shall be the duty of the officers of the ambulance service to report to the commander of the troops any violation of the provisions of this paragraph.

[G. O. 140, Nov. 2, 1901.]

1634. Recently discharged soldiers, needing hospital treatment, who arrive in New York City, San Francisco, or other port on Government transports, may be sent to one of the post hospitals in the vicinity, and rations in kind drawn for them while undergoing treatment.

[G. O. 140, Nov. 2, 1901.]

1651. At sick call the enlisted men of each company who require medical attention will be conducted to the hospital by a noncommissioned officer, who will give to the attending surgeon the company sick report book containing the names of the sick. The surgeon, after examination, will indicate in the book, opposite their names, the men who are to be admitted to hospital and those to be returned to quarters, what duties the latter can perform, with any other information in regard to the sick which he may have to communicate to the company commander. The senior medical officer of the command will make a daily report of the sick and wounded to the commanding officer.

[G. O. 140, Nov. 2, 1901.]

1665. The compensation allowed to civilian physicians for ordinary medical attendance at garrison posts or camps will not exceed the following rates, and if the local charge per visit is less the account will be rendered at the local rates: For attending sick call, five men or less, $2.50; for each man in excess of five, 50 cents; for each additional visit or sick call on same day, when necessary, $2. Where there is a large sick report and the service will be required for an extended period, application will be made to the Surgeon-General for authority to employ a physician by the month. Accounts arising at posts or camps under exceptional circumstances, all accounts arising at other places, and accounts for special or surgical services will be allowed at reasonable rates approved by the Surgeon-General. The accounts will be forwarded in duplicate to the chief surgeon or, if incurred at independent posts or stations, direct to the Surgeon-General.

[G. O. 140, Nov. 2, 1901.]

1670. Each chief surgeon will make to the Surgeon-General on the last day of every month a return of medical officers, contract dental surgeons, and physicians under contract.

ORDERS AND CIRCULARS RELATING TO AND AFFECTING THE ARMY REGULATIONS SINCE PUBLICATION TO JUNE 30, 1902.

[G. O. 18, Feb. 19, 1902.]

The following has been received from the War Department:

WAR DEPARTMENT, *Washington, February 19, 1902.*

The following Executive order has been received from the White House and is published for the information and guidance of all concerned:

"EXECUTIVE ORDER.

"All officers and employees of the United States of every description serving in or under any of the Executive Departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments in or under which they serve, on penalty of dismissal from the Government service.

"THEODORE ROOSEVELT.

"WHITE HOUSE, *January 31, 1902.*"

At the same time especial attention of the officers of the Army is called to the following existing provision of the Army Regulations:

* * * "Efforts to influence legislation affecting the Army, or to procure personal favor or consideration, should never be made except through regular military channels; the adoption of any other method by any officer or enlisted man will be noted in the military record of those concerned." (*Par. 5, A. R.*)

ELIHU ROOT, *Secretary of War.*

[Cir. 30, Aug. 29, 1901.]

The following decision of the Secretary of War is published to the Army for the information and guidance of all concerned:

Veterinarians are not competent to sit as members of courts-martial or perform any of the duties which are expressly required by law to be performed by commissioned officers. As their status is assimilated to that of commissioned officers, however, they are eligible for detail as members of boards of survey, or councils of administration, and may when no commissioned officer is available serve as exchange officers or post treasurers, and may witness payments to enlisted men.

(*Par. 9, A. R.*)

[Cir. 18, May 19, 1902.]

The following decision is published for the information of all concerned:

VETERINARIANS ENTITLED TO SALUTES FROM ENLISTED MEN.—A veterinarian of cavalry or artillery is allowed by law the pay and allowances of a second lieutenant. He is given rank by General Orders, No. 39, April 24, 1902, from this office, next after a second lieutenant, and the character of his duties is such as to require him to give orders to enlisted men. He is, therefore, entitled to receive the customary salute from enlisted men.

(*Par. 9, A. R.*)

[Cir. 34, Sept. 23, 1901.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

A subordinate officer in the Philippine Islands is not entitled to the pay appropriate to a higher command unless he exercises such command under orders issued by his superior officer and afterwards approved by the commanding general in the field.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, July 29, 1901.

The Honorable the SECRETARY OF WAR.

SIR: By your reference and indorsement dated the 13th instant, I am in receipt of a letter from Lieut. Col. G. W. Baird, chief disbursing officer, Paymaster-General's Office, as follows:

"I have the honor to state that Special Orders, No. 118, paragraph 1, Headquarters, Division of the Philippines, Manila, P. I., May 7, 1901, confirms, for the purpose of increased pay, the assignments to commands above those pertaining to their respective grades, of various officers named. In most of these cases the assignments were by orders issued before the exercise of the command, and emanating from department headquarters or regimental headquarters.

"It will be seen, from the order inclosed, that the confirmation by the commanding general, Division of the Philippines (dated May, 1901), was probably made on the receipt of decision No. 118, Paymaster-General's Circular, No. 254, made by your office on February 27, 1901, overruling decision No. 13, Paymaster-General's Circular, No. 179, March 31, 1899. Attention is invited to the fact that the command, in several instances, was exercised continuously, beginning several months before the date of the order cited (Special Orders, No. 118, Headquarters, Division of the Philippines).

"I respectfully ask if Special Orders, No. 118, inclosed, is, in the view of your office, a competent order as contemplated in decision No. 118, Circular No. 254, Paymaster-General's Office, and carries with it the pay of the command exercised, provided such command was exercised for a period not less than three months."

Special Orders, No. 118, issued May 7, 1901, at the Headquarters, Division of the Philippines, is as follows:

[Extract.]

"The assignments of the following-named officers to commands above those pertaining to their respective grades are confirmed, for the purpose of increased pay from the dates given."

Following the above language, said Order 118 contains the number of special orders, from what headquarters issued, names, rank, command exercised, from what date, of 126 officers.

This order was issued by command of Major-General MacArthur. Most of the officers named in the order appear to have been originally assigned to higher commands in orders issued from their respective regimental headquarters, and it further appears that the assignments of nearly all the officers were subsequent to May 26, 1900.

Section 7, act of April 26, 1898 (30 Stat., 365), is as follows:

"That in time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade, shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier-general shall not be paid in any case by reason of such assignment. * * *"

The act making appropriation for the support of the Regular and Volunteer Army for the fiscal year 1901 (31 Stat., 211), approved May 26, 1900, contains the following provision:

"For additional pay for increased rank when in command by competent authority, fifty thousand dollars: *Provided*, That no part of this sum shall be used for pay of officers assigned to higher command than their rank in the Army, unless such service shall be continuous for a period of not less than three months."

My decision is requested as to whether Special Orders, No. 118, in view of the facts stated by Colonel Baird, is such an order as will give to officers therein named the pay of the grades pertaining to the commands exercised by them.

Confining myself solely to the facts stated by Colonel Baird and said orders, I am of opinion that—

If a subordinate officer serving in the Philippine Islands exercises a command above that pertaining to his grade prior to June 30, 1900, under assignment in orders issued by his superior officer and such order was such that the subordinate officer was bound to obey and such assignment in orders was afterwards approved by the commanding general in the Philippine Islands, the subordinate officer so exercising such higher command under such orders would be entitled to the pay and allowances of the grade appropriate to the command so exercised, regardless of whether he exercised such higher command for a period of three months or not.

If a subordinate officer serving in the Philippine Islands exercised a command above that pertaining to his grade after June 30, 1900, under assignment in orders issued by his superior officer and such

order was such that the subordinate officer was bound to obey and such assignment in orders was afterwards approved by the commanding general in the Philippine Islands, the subordinate officer so exercising such higher command under such orders would be entitled by said act of May 26 to the pay and allowances of the grade appropriate to the command so exercised, providing such officer exercised such higher command for a continuous period of not less than three months; otherwise such officer would not be entitled to such higher pay.

If a subordinate officer serving in the Philippine Islands exercised a command above that pertaining to his grade by virtue of his being the senior officer present on duty and not under assignment in orders issued by his superior officer and which was afterwards approved by the commanding general in the field he would not be entitled, for exercising such higher command under such circumstances, to the pay appropriate to the grade of the command so exercised.

Respectfully,

L. P. MITCHELL,
Assistant Comptroller.

(*Par. 13, A. R.*)

[Cir. 29, Aug. 28, 1901.]

Chaplains are entitled to rank, pay, and allowances of a captain of infantry, and can not draw mounted pay on certificate of Secretary of War or department commander that duty required them to be mounted. The law requires that necessary means of transportation be furnished by the Quartermaster's Department for service in the field.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, April 29, 1901.

The Honorable the SECRETARY OF WAR.

SIR: By your direction I have received a letter from the Paymaster-General, dated April 5, 1901, inclosing the pay account of S. H. Bell, chaplain Seventh United States Cavalry, for the month of February, 1901, and the indorsements thereon, requesting my decision on the following questions:

"1. Whether post chaplains and the chaplains of the four colored regiments of the Army in service on February 2, 1901, are included in the increased pay and allowances provided for chaplains by the act of that date, or whether the pay and allowances of captain of infantry applies only to chaplains appointed by the President after the approval of the act of February 2, 1901.

"2. Whether a chaplain assigned to duty with a cavalry regiment would be entitled to mounted pay on a certificate of the Secretary of War or department commander that he was on duty which required him to be mounted."

These questions will be considered in the order submitted.

The act of February 2, 1901 (31 Stat., —), entitled "An act to increase the efficiency of the permanent military establishment of the United States," provides among other things—

"SEC. 1. That from and after the approval of this act the Army of the United States, including the existing organizations, shall consist of fifteen regiments of cavalry, a corps of artillery, thirty regiments of infantry, etc."

* * * * * * *

"SEC. 12. That the President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army, at the rate of one for each regiment of cavalry and infantry in the United States service and twelve for the corps of artillery, with the rank, pay, and allowances of captains of infantry: *And provided*, That the office of post chaplain is abolished, and the officers now holding commissions as chaplains, or who may hereafter be appointed chaplains, shall be assigned to regiments or to the corps of artillery. Chaplains may be assigned to such stations as the Secretary of War shall direct, and may be transferred, as chaplains, from one branch of the service or from one regiment to another by the Secretary of War, without further commission. When serving in the field chaplains shall be furnished with necessary means of transportation by the Quartermaster's Department.

* * * * * * *

"SEC. 39. That nothing in this act shall be held or construed so as to discharge any officer from the Regular Army or deprive him of the commission which he now holds therein.

* * * * * * *

"SEC. 42. That all laws and parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed."

Under the provisions of this act post chaplains and chaplains of the four colored regiments do not lose their commission and need not be reappointed. The office of post chaplain is abolished, but those holding commissions as such are still chaplains in the Army, appointed by the President, by and with the advice and consent of the Senate, and it is evident that Congress intended that all chaplains holding commission at the date of the passage of the act should be assigned to the same duties and entitled to the same pay and allowances as chaplains appointed subsequent to the date of the passage of the act.

The chaplains of the four colored regiments having been already assigned to these regiments and on duty therewith need not be reassigned thereto. "The law forces no one to do vain or useless things." The particular station or regiment to which chaplains shall be assigned does not materially

affect their duties, and being on duty from the date of the passage of the act they are entitled to the rank, pay, and allowances of chaplains provided for by said act from its date, for the reason that no time is necessary to effect the change, and the reorganization goes into effect at once as to these officers. If their rank, pay, or allowances depended upon the particular station to which they were assigned, then this rule would not prevail and it would be necessary to give time to make the assignments. (5 Comp. Dec., 761, 763.)

For the reasons given it is held that the act of February 2, 1901, *supra*, as to all chaplains then in the service goes into effect at the date of its passage, and that the post chaplains and the chaplains of the four colored regiments are included within its provision and entitled to the increased pay therein provided for from that date.

I will now consider the second question.

The act provides that chaplains serving in the field shall be furnished the necessary means of transportation by the Quartermaster's Department.

It will be noted that while Congress provided for chaplains of infantry, cavalry, and artillery, it made the pay and allowances that of a captain of infantry and provided that the Quartermaster's Department should furnish the necessary means of transportation for the only service wherein it would seem that the chaplain would require to be mounted.

When these provisions are considered together they indicate that Congress intended to confine the pay and allowances of chaplains for all service to that of a captain of infantry and that when performing service where they would require to be mounted they should be furnished with the means of transportation by the Quartermaster's Department in lieu of being paid mounted pay.

This provision as to transportation applies to service in the field whether the officer is serving with cavalry, infantry, or artillery. No certificate of the Secretary of War or department commander could give chaplains a right to mounted pay for such service, whether serving with cavalry or otherwise, and as this is the only kind of service that they would be engaged in that would necessarily require them to be mounted, it follows that Congress inserted this provision as to chaplains as a substitute for all other laws and regulations that might otherwise be held to give them a right to mounted pay for service where they are required to be mounted.

It is therefore held that chaplains are not entitled to mounted pay, whether serving with a cavalry regiment or otherwise, when on duty which requires them to be mounted.

Inclosures are herewith returned.

Respectfully, R. J. TRACEWELL, *Comptroller*.

(*Par. 50, A. R.*)

[Cir. 41, Nov. 4, 1901.]

By direction of the Secretary of War, the following information respecting the appointment and duties of chaplains in the Army and regulations established by the President to govern the examinations of candidates for such appointments are published for the information of all concerned:

The existing laws prescribe the following requirements, which must be met as preliminary to an appointment by the President as chaplain: *First*, that the candidate is a regularly ordained minister of some religious denomination; *second*, that he is in good standing in such denomination; *third*, that he is recommended for appointment by some authorized ecclesiastical body, or by not less than five accredited ministers of the same; *fourth*, that he shall not have passed the age of 40 years (unless originally appointed in the volunteers when under 42 years of age); and *fifth*, that he shall have "passed satisfactorily such examination as to his moral, mental, and physical qualifications as may be prescribed by the President," unless he has demonstrated such qualifications in service as chaplain during the war with Spain. (*Sec. 1123, R. S.; acts Feb. 2 and Mar. 2, 1901.*)

The duties required by law of chaplains are that they shall hold appropriate religious services for the benefit of the commands to which assigned; that they shall perform appropriate burial services at the burial of officers and soldiers who may die in such commands, and that they shall give instruction to the enlisted men in the common English branches of education. (*Secs. 1124, 1125, R. S.*)

EXAMINATION OF CANDIDATES.

Boards of examination, which shall include at least one medical officer, will be appointed by the Secretary of War for the examination of candidates who may be designated by the President.

No candidate will be examined who is not a citizen of the United States or who does not conform to the preliminary requirements prescribed by law.

The examination as to fitness will cover physical, educational, and professional or clerical qualifications.

A thorough physical examination will be made by the medical member or members of the board whose certificate shall accompany its proceedings. If there be found to exist any disqualification that might impair the efficiency of the candidate as a chaplain, the cause thereof will be fully stated in the certificate.

The examination as to educational and professional qualifications will include the following subjects:

1. Extent of school, academic or collegiate, and theological education.
2. Pastoral work as clergyman.
3. Experience in teaching.
4. English grammar and composition.
5. Writing and spelling.
6. Mathematics; to be confined to elementary operations in arithmetic, with statement of the candidate as to what knowledge, if any, he possesses of higher mathematics.
7. Geography, particularly in reference to the United States.
8. History, particularly of the United States, and outlines of general history.
9. Constitutional and international law.
10. Physiology and hygiene.

In awarding marks the board will give an aggregate weight of 2,000, to be distributed and attached to the several subjects of examination as follows:

1. Physical examination	100
2. Attendance at schools and academies	100
3. Attendance at college	200
4. Attendance at theological seminary	100
5. Pastoral work as clergyman	300
6. Teaching	200
7. Writing and spelling	200
8. Mathematics	150
9. English grammar and composition	200
10. Geography	150
11. History	150
12. Constitutional and international law	100
13. Physiology and hygiene	50

A candidate will not be passed by the board who shall not be awarded an average of 65 per cent in each subject of examination, excepting attendance at a college and at a theological seminary and experience in teaching (numbered 3, 4, and 6, respectively), and a general average of 70 per cent in the subjects other than those excepted. (*Art. VIII, A. R.*)

[Cir. 38, Oct. 19, 1901.]

* * * * * * *

Officers of the Army appointed therein from officers of volunteers are not entitled to leave credits which accrued to them but which were not availed of during their volunteer service.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, September 25, 1901.

The honorable the SECRETARY OF WAR.

SIR: I have received by your authority a letter dated September 3, 1901, from the Paymaster-General of the Army, requesting a decision as to whether Capt. W. B. Rochester, paymaster, United States Army, in addition to leave due him as a Regular Army officer, is now entitled to leave credits at full pay that accrued to him, but were not used, while serving as major and additional paymaster,

United States Volunteers, he having accepted his commission as major and additional paymaster, United States Volunteers, May 27, 1898, and honorably discharged June 12, 1901, having accepted his commission as captain and paymaster, United States Army, May 31, 1901; and also requesting a decision in the cases of officers discharged from the volunteer service who received and accepted an appointment in the Regular Army on the following day, whether their service is regarded as continuous, and they are entitled as Regular Army officers to leave credits that accrued to them as volunteer officers, but were not enjoyed in the volunteer service. In the case of Paymaster Rochester it is stated that the service from May 27, 1898, has been continuous and without any absence from duty.

The two cases present substantially the same question and may be considered together.

Section 1265, Revised Statutes, provides:

"Officers when absent on account of sickness or wounds, or lawfully absent from duty and awaiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence, unless the absence is excused as unavoidable."

The act of July 29, 1876 (19 Stat., 102), provides:

"That an act approved May eighth, eighteen hundred and seventy-four, in regard to leave of absence of army officers, be, and the same is hereby, so amended that all officers on duty shall be allowed, in the discretion of the Secretary of War, sixty days' leave of absence without deduction of pay or allowance: *Provided*, That the same be taken once in two years: *And provided further*, That the leave of absence may be extended to three months, if taken once only in three years, or four months if taken once only in four years."

Section 1184, Revised Statutes, provides that—

"When volunteers or militia are called into the service of the United States, and the officers of the Paymaster's Department are not deemed by the President sufficient for the punctual payment of the troops, he may appoint, by and with the advice and consent of the Senate, and add to said corps as many paymasters, to be called additional paymasters, with the rank of major, not exceeding one for every two regiments of volunteers or militia, as he may deem necessary."

Section 1185, Revised Statutes, provides that—

"Additional paymasters shall be retained in service only so long as they may be required for the payment of volunteers and militia, as provided herein."

The act of April 22, 1898, provided for temporarily increasing the military establishment of the United States in time of war, and for other purposes. It is therein provided that in time of war the Army shall consist of two branches which shall be designated, respectively, as the Regular Army and the Volunteer Army of the United States.

Section 3 of said act provides:

"That the Regular Army is the permanent military establishment, which is maintained in peace and war according to law."

Section 4 of said act provides:

"That the Volunteer Army shall be maintained only during the existence of war, or while war is imminent, and shall be raised and organized, as in this act provided, only after Congress has or shall authorize the President to raise such force or to take into the actual service of the United States the militia of the several States. * * *"

Section 12 of said act provides:

"That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army."

By section 6 of the act of April 22, 1898, *supra*, it is provided that the Volunteer Army when called into the service of the United States be organized under and subjected to the laws, orders, and regulations governing the Regular Army; but it was also provided in said section that the officers of certain volunteer organizations enlisting in the Volunteer Army in a body should when thus enlisted be appointed by the governors of the States and Territories to which such organization belonged, and that they should be officers of corresponding grades in the same organization when it shall have been received into the service of the United States as a part of the Volunteer Army.

By the act of April 25, 1898 (30 Stat., 364), war was declared to exist between the United States and Spain, and for the purpose of prosecuting said war the President was authorized to raise a volunteer army of the United States.

So long as Captain Rochester was major and additional paymaster in the Volunteer Army, as above stated, he was entitled to receive for such service the same pay as if he had been in the Regular Army, but the Volunteer Army and the Regular Army are separate and distinct, and his service in one is separate and distinct from his service in the other, and I am of opinion and so decide that after his service was concluded and he was discharged from the Volunteer Army and he had accepted an appointment in the Regular Army any right he may have had to leave of absence with full pay during his volunteer service could not be recognized or taken into consideration in allowing him leave of absence with full pay for service in the Regular Army.

The two services were separate and distinct, from one of which he has been discharged, and all the

rights which he had to leave of absence with full pay as an officer in the Volunteer Army ceased with the termination of that service, and his rights to leave of absence with full pay in the Regular Army began when he was appointed therein in all respects as if he had never been an officer in the Volunteer Army. (*See 7 Comp. Dec., 63; 6 Comp. Dec., 714; United States* v. *Sweeney, 157 U. S., 281.*)

What I have already said will serve as an answer to both of your questions.

Respectfully,

L. P. MITCHELL, *Assistant Comptroller.*

(*Art. X, A. R.*)

* * * * * * *

[Cir. 47, Dec. 21, 1901.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

An enlisted man granted a furlough for the purpose of accepting a commission in the volunteer service who resumes his place in the regular establishment within three months from the time of his muster out and discharge as a commissioned officer of volunteers is entitled to count all the time served as "an enlisted man" as continuous service for the purpose of computing increase of pay and the thirty years for retirement, but the time served as "a commissioned officer" can not be counted for this purpose.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY.
Washington, September 9, 1901.

The honorable the SECRETARY OF WAR.

SIR: By your direction I have received a letter, dated September 3, 1901, from the Adjutant-General United States Army, as follows:

"Philip Powers, an ordnance sergeant, United States Army, accepted a commission as first lieutenant, Forty-second Infantry, United States Volunteers, September 2, 1899, and was granted a furlough as an enlisted man until the muster out of the organization. At the date he accepted his commission he had completed nineteen years eight months and fifteen days continuous service, and was then serving under an enlistment of three years commencing December 17, 1897. At the expiration of this term, December 16, 1900, he was discharged; was reenlisted December 17, 1900, and his furlough continued. On June 27, 1901, he was mustered out of the service as a first lieutenant of the Forty-second Infantry, United States Volunteers, and resumed his duties as ordnance sergeant, United States Army, and is at present performing said duties.

"In a decision of the Comptroller of the Treasury of April 27, 1901, numbered 129, it was held that a soldier discharged from the Army to accept a commission in the volunteers, who reenlisted within three months after his muster out of the volunteer service, is entitled to count all service as an enlisted man as continuous service, but can not count time served as a commissioned officer in computing further increase of pay or in computing thirty years of service for retirement. I have the honor to request to be advised as to whether this decision is applicable to the case of the soldier referred to above. If not, what is his status as to continuous-service pay?"

The record of Powers as furnished by the Adjutant-General is peculiar and somewhat anomalous, inasmuch as it seems to place him in the status of an enlisted man on furlough at the same time that he is serving under a commission duly accepted as a commissioned officer.

I am of the opinion, however, for the purpose of continuous-service pay and in computing the thirty years' service for retirement, his status is the same as if he had been promoted or discharged September 1, 1899, to accept a commission in the volunteer service and at the expiration or muster out of his volunteer service he had enlisted again in the Regular Army within three months.

If this view is correct the case of Powers comes within the principle of the decision of April 27, 1901, in the case of Andrew J. Smith, Company B, Twenty-fifth U. S. Infantry (7 Comp. Dec., 692), so that if he resumed his place in the regular establishment within three months from the time of his muster out and discharge as a commissioned officer of volunteers he is entitled to count all the time served as *an enlisted man* as continuous service for the purpose of computing the increase of pay and the thirty years for retirement.

The time served as a commissioned officer can not be counted in computing further increase of pay or the thirty years' service for retirement.

Powers can not be regarded as having served as an enlisted man between September 2, 1899, the date when he accepted his commission as first lieutenant, Forty-second U. S. Volunteers, and June 27, 1901, the date of his muster out of volunteers, within the meaning of the laws relating to increase of pay for length of service and for the purpose of retirement.

As explained herein, the case of Powers comes within the principle of the case of Smith, cited above.

Respectfully,

L. P. MITCHELL,
Acting Comptroller.

(*Art. XVII., A. R.*)

[Cir. 4, Jan. 16, 1902.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

TIME LOST BY ABSENCE WITHOUT LEAVE.—The requirement of paragraph 144 of the Regulations that an enlisted man upon conviction by court-martial shall make good the time lost by absence without authority is considered legal and will be strictly adhered to.

(*Par. 144, A. R.*)

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[Cir. 5, Jan. 23, 1902.]

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By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

A soldier discharged by order of the Secretary of War by reason of his own misconduct, and stated "not entitled to travel allowances," does not thereby forfeit his travel allowances, not having been discharged by way of punishment for an offense, under section 1290, Revised Statutes, nor by order of the Secretary of War for disability caused by his own misconduct (29 Stat., 63). The amount of a soldier's indebtedness to the United States at date of discharge is not an offset against his travel allowances.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, August 26, 1901.

Joseph R. White appealed, August 21, 1901, from the action of the Auditor for the War Department in settlement No. 366545, dated July 24, 1901.

He claimed pay and allowances as private, Troop F, Eleventh U. S. Cavalry.

The Auditor disallowed his claim as follows;

"The amount of fines imposed by sentences of summary courts-martial is in excess of pay and clothing that would otherwise be due. Having been discharged by order of the Secretary of War without honor for his own misconduct, no travel allowances are due."

Said White was enlisted April 9, 1901, at Lockport, N. Y., as private Troop F, Eleventh United States Cavalry, and was discharged July 5, 1901, at Fort Myer, Va., in pursuance of paragraph 8, Special Orders, No. 154, Adjutant-General's Office, 1901, which reads as follows:

"By direction of the Assistant Secretary of War, Private Joseph R. White, Troop F, Eleventh Cavalry, Fort Myer, Va., will be discharged without honor from the Army by the commanding officer of that post, by reason of his own misconduct. This soldier is not entitled to travel pay."

The statement in the order that he is not entitled to travel pay does not deprive him of any rights he may have under the law. His discharge was ordered at the request of the commanding officer of his troop, who stated that in his opinion the man was worthless and that his retention in service was a useless expense.

He was not discharged by reason of disability caused by his own misconduct, and is therefore not deprived of travel pay by the provisions of the act of March 16, 1896 (29 Stat., 63). No specific offense is stated as the cause of his discharge.

The act of May 26, 1900 (31 Stat., 210), provides:

"That hereafter * * * an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service."

The Judge-Advocate-General of the Army has held:

"The discharge without honor is not a punishment * * * . Not being a discharge 'by way of punishment for an offense' (sec. 1290, Rev. Stat.), forfeiture of travel pay is not an incident of it. (*Digest Opin. J. A. G., Edition of 1901, sec. 1132.*)"

This opinion was concurred in by Assistant Comptroller Bowers in decision dated December 14, 1895.

In the case of United States *v.* Kingsley (138 U. S., 87) the court held as follows:

"We think this statute contemplates a discharge as a punishment inflicted by the judgment of a court-martial or other military authority, for a specific offense, and not such a discharge as was issued in this case, for unfitness for service and general bad character. While this may justify the proper authorities in ordering the discharge of a soldier as a worthless member of the service, we can not consider such a discharge as a 'punishment for an offense' within the meaning of the statute."

As it does not appear that White's discharge was a punishment for any specific offense, he is entitled to travel pay from place of discharge to place of enlistment.

He is charged with $38.50 fines imposed by sentences of summary courts-martial, an amount in excess of the pay and clothing allowances due him. In accordance with the practice of the Pay Department and the accounting officers the amount of his indebtedness on this account is not an offset against his travel pay.

Upon a revision of the above-described account, I find and certify a difference of $18.16 due from the United States to the claimant, being travel pay from Fort Myer, Va., to Lockport, N. Y., 454 miles, at 4 cents per mile.

Appropriation: Pay, etc., of the Army, 1902. To be paid to Joseph R. White, soldier, 116 Madison alley, NW., Washington, D. C.

R. J. TRACEWELL, *Comptroller.*

(*Pars. 151 and 162, A. R.*)

[Cir. 38, Oct. 19, 1901.]

Decision as to whether a soldier discharged for disability caused by venereal disease is excluded from right to travel pay by the act of March 16, 1896 (29 Stat., 63).

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, D. C., August 11, 1899.

The honorable the SECRETARY OF WAR.

SIR: I have received from the Paymaster-General, by your direction, a request for a decision upon the question whether a soldier discharged for disability caused by venereal disease is excluded from a right to travel pay by the act of March 16, 1896 (29 Stat., 63).

The papers submitted consist of a copy of an indorsement made by the Surgeon-General of the Army March 19, 1898, relative to the case of Hamilton Williams, private, Troop K, Ninth United States Cavalry, a letter from Maj. George W. Baird, paymaster of the Army, to the Paymaster-General of the Army, dated June 20, 1899, stating his views as to what is to be regarded as misconduct, and the indorsement thereon.

It does not appear that the request for decision has any reference to a payment to be made to Williams, and no specific facts in any case are submitted. It is therefore construed to be a request for my construction of the act of March 16, 1896, to be used as a guide to paymasters in the matter of paying or refusing to pay travel allowances to soldiers discharged for disability caused by venereal disease.

In his indorsement submitting the question the Acting Paymaster-General says:

"It has been the custom of the Pay Department to take the view that travel pay is not forfeited for such a disability when it does not appear on final statements that the man was discharged by Secretary of War for 'disability caused by his own misconduct.'"

Section 1290 of the Revised Statutes provides:

"When a soldier is discharged from the service, except by way of punishment for an offense, he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles."

Excepting the provisions of the act of March 16, 1896, and except during the period from June 22, 1874, to February 26, 1877, when an honorable discharge was a condition precedent to payment of travel allowances under section 1290 of the Revised Statutes as it then stood, the law from January 29, 1813 (*see* sec. 15, act of January 29, 1813, 2 Stat., 796), to the present time has been, in all essential particulars, as it now stands under section 1290, Revised Statutes, *supra.*

Under said section soldiers discharged for a disability caused by venereal diseases have uniformly been held to be entitled to travel allowances, as they were not discharged for their own convenience nor by way of punishment for an offense.

This fact is so well understood that citations are unnecessary.

The act of March 16, 1896 (29 Stat., 63), under which the question submitted arises, provides:

"That no enlisted man discharged by order of the Secretary of War for disability caused by his own misconduct shall be entitled to the travel allowances provided for in section 1290, Revised Statutes."

Under this act a soldier may be discharged far from home without means to secure transportation and subsistence to his home or to the place of his enlistment and thus subjected to a severe penalty.

The act being of a penal nature must be strictly construed and not extended by implication.

"The general words of a penal statute shall be restrained for the benefit of him against whom the penalty is inflicted."—[Potter's Dwarris, p. 245.]

Section 1342, Revised Statutes, Article IV, provides as follows:

"No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial."

The Secretary of War, therefore, is not the only officer who has power to discharge a soldier before his term of service has expired.

But to bring a soldier within the provisions of the act of March 16, 1896, *supra*, he must be discharged by order of the Secretary of War for a disability caused by his own misconduct.

I am of the opinion that the law requires strict compliance with all of three conditions to deprive a soldier of his right to travel allowances, to wit:

1. The soldier must be discharged by order of the Secretary of War. If he is otherwise discharged the act does not apply.

2. The discharge must be for a disability. If the soldier is discharged for any cause other than disability the act does not apply to his case.

3. The disability for which he is discharged must have been caused by his own misconduct. If the discharge is ordered by the Secretary of War for a disability, the act can not apply unless the disability was caused by the soldier's own misconduct.

Venereal diseases are of different kinds and degrees. They may or may not amount to a disability. They are usually caused by misconduct, but not always. A soldier's disability may be caused by wounds or several diseases, including venereal disease, but the venereal disease of itself may not amount to a disability.

The fact that a soldier has a venereal disease is simply a matter of evidence to be considered by the Secretary of War in determining whether the soldier's disability was caused by his own misconduct. The fact that a soldier has venereal disease is strong evidence of misconduct, but it is not conclusive and may be shown to have been contracted innocently.

I am of the opinion that the act was intended by Congress to vest in the Secretary of War exclusive jurisdiction to determine, first, the disability of the soldier; second, whether such disability was caused by his misconduct.

If such disability existed and has been caused by the soldier's misconduct and the Secretary so determines and orders his discharge, then the act deprives the soldier of travel allowances.

In order that the act may be carried into effect, and in order that it may not be applied to soldiers who do not come within its provisions, it is suggested that the finding of the Secretary of War, that the soldier's disability was caused by his own misconduct, be stated in the order for discharge.

A statement in the order that the soldier is entitled to travel allowances after the Secretary of War has determined that his disability was caused by his own misconduct and has ordered his discharge for said disability is in violation of the law and without effect.

If the statement that a soldier "is entitled to travel pay" is intended to mean that it does not appear that his disability was caused by his misconduct, or the statement "this soldier is not entitled to travel pay" is intended to mean that the disability was caused by his own misconduct, the language is unhappily chosen, for it relates to a matter not within the jurisdiction of the Secretary of War, and does not determine the soldier's rights in respect to travel allowances. A soldier disabled by venereal diseases may be discharged by a department commander on a surgeon's certificate of disability in the same manner as on a surgeon's certificate of disability for any other disease or for wounds, and on such discharge the soldier is entitled to travel allowances under section 1290 of the Revised Statutes, unless the Secretary of War in such case has ordered his discharge for disability caused by his own misconduct.

As no specific case was presented, this reply is necessarily general in its nature.

It is understood that the question submitted relates only to soldiers discharged before they have a right to discharge by reason of expiration of term or close of the war.

Respectfully, yours,

L. P. MITCHELL, *Assistant Comptroller.*

(*Pars. 152 and 1421, A. R.*)

* * * * * * *

[Cir. 2, Jan. 6, 1902.]

The following decisions have been made and are published to the Army for the information and guidance of all concerned:

WHEN CONTRACT SURGEONS SHALL SIGN FINAL STATEMENTS.—In the absence of a commissioned medical officer a contract surgeon who commands a detachment of the Hospital Corps will prepare and sign the final statements pertaining to the men of his detachment.

(*Pars. 153 and 1574, A. R.*)

* * * * * * *

[G. O. 15, Feb. 12, 1902.]

* * * * * * *

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned, in connection with Paragraph I, General Orders, No. 57, April 24, 1901, from this office:

The act of Congress approved March 2, 1901, entitled "An act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and two," published in General Orders, No. 26, March 8, 1901, from this office, provides that any officer or enlisted man in the service of the United States who was discharged in the Philippine Islands and there reentered the service through commission or enlistment shall, when discharged, except by way of punishment for an offense, receive travel allowances from the place of his discharge to the place in the United States of his last preceding appointment or enlistment, or to his home if he was appointed or enlisted at a place other than his home.

The place of home will be decided by the military authorities from the records in their possession, and if the records do not establish to the satisfaction of the officer who prepares the final statements the fact that the home of any soldier was not the place of his enlistment, then such officer will prepare the final statements on the assumption that the soldier's home was at the place of his last preceding enlistment in the United States, leaving the soldier to establish his claim that it is elsewhere before the Auditor for the War Department.

(*Pars. 153 and 1562, A. R.*)

[Cir. 22, June 20, 1902.]

The following is published to the Army for the information of all concerned:

1. Notwithstanding the fact that paragraph 1529, Army Regulations, 1901, clearly sets forth that continuous-service pay at the rate of $2 per month shall be paid only "to enlisted men who have served continuously for a longer period than five years," instances have been observed where officers in determining the eligibility of a soldier for discharge, under that portion of paragraph 156, Army Regulations, 1901, which reads, "A soldier serving in a second or any other enlistment, but not receiving continuous-service or reenlisted pay, is not debarred from discharge by purchase," have failed to make the distinction between "continuous-service pay" and the "additional pay" authorized in section 1281 of the Revised Statutes, which provides that in addition to the regular pay of an enlisted man $1 shall be added for the third year of enlistment, $1 more for the fourth year, and another dollar for the fifth year of continuous service, making in all a $3 increase during the fifth year.

The Secretary of War, therefore, desires to call attention to the fact that "continuous-service pay" in the sense in which that term is used in paragraph 156, Army Regulations, is the pay defined in paragraph 1529, Army Regulations, and is not to be confounded with the "additional pay" allowed in third, fourth, and fifth years of continuous service under section 1281 of the Revised Statutes.

2. In this connection attention is invited to the following:

A soldier who has been honorably discharged from the Army after serving a full enlistment of three years, or a portion thereof, and again enlists within three months thereafter shall be eligible to apply for the privilege of purchasing his discharge during the second year of such reenlistment and until he shall have completed five years' service, when the privilege ceases. The purchase price in the first month of the second year of such reenlistment will be $120, and $5 less during each succeeding month of the period of eligibility.

(*Pars. 156, 1528, and 1529, A. R.*)

[Cir. 27, Aug. 3, 1901.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Officers and enlisted men discharged from the Army and civilian ex-employees not in the insular service who have remained in the Philippine Islands with a view to entering into private pursuits there and who apply for permits for their families to travel on Government transports from San Francisco, must forward their applications through the commanding general, Division of the Philippines, for transmission to the War Department, with his recommendations.

Officers, soldiers, and civilian employees who were discharged from the service in the United States and who apply for permits to travel on Government transports from San Francisco to the Philippine Islands, should send their applications to the Quartermaster-General U. S. Army, Washington, D. C.

In all cases the applicant should set forth in detail his record of service and the reasons for desiring to go to the Philippines, and whether or not he has a definite object in view or merely hopes to find employment after arrival.

Persons availing themselves of permission to travel on Government transports will pay the fixed charges in advance before the sailing of the ship, and those who accept transportation for themselves or their families will do so with the expressed understanding that no obligation rests with the Government to furnish return transportation and that return transportation will not be requested or expected by them in any event.

Applications will receive favorable consideration only when they conform to the foregoing requirements, including the waiver of return transportation, and persons who do not pay the fixed charges as stated above will not be permitted to sail.

(*Par. 159, A. R.*)

[Cir. 25, June 30, 1902.]

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

A question having arisen as to the meaning and scope of the words "constant labor for not less than ten days," employed in paragraph 183, Army Regulations, the matter was referred to the Auditor for the War Department, who decided as follows (435418—A. G. O.):

An enlisted man employed on extra duty appears to be entitled to extra-duty pay if he is continuously employed for not less than ten days. Whether or not the entire ten days is in the same month is not material. When a man is mustered and paid for less than ten days' service, however, it is essential that that voucher should show prior or subsequent service sufficient to make ten days' continuous extra duty.

(*Par. 183, A. R.*)

[Cir. 29, Aug. 28, 1901.]

By direction of the Secretary of War, the following decisions of the Comptroller of the Treasury are published to the Army for the information and guidance of all concerned:

* * * * * * *

The two dollar per month certificate of merit pay granted a soldier for distinguished service is payable during his military service whether as an officer or enlisted man.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, March 19, 1901.

Lieut. Col. GEO. W. BAIRD,
(Through Paymaster-General U. S. Army.)

SIR: I have by reference of the Paymaster-General, dated August 27, 1900, your letter dated August 24, 1900, requesting an advance decision upon the claim of First Lieut. Thomas Ryan, Fortieth Infantry, United States Volunteers, referred to in said letter as follows:

"Referring to section 1285, Revised Statutes, which provides that a soldier who has received a

certificate of merit from the President shall be entitled to 'additional pay at the rate of $2 per month while he remains continuously in the service,' I have the honor to inclose herewith the pay account of First Lieut. Thomas Ryan, Fortieth Infantry, United States Volunteers, who claims this additional pay because of certificate of merit.

"I have the honor to request to be informed whether the additional amount is due to him while he is serving as a commissioned officer."

The following indorsement by the Paymaster-General appears on said letter:

"Respectfully forwarded to the Comptroller of the Treasury for decision, as requested by Lieutenant-Colonel Baird.

"The services of First Lieut. Thomas Ryan, Fortieth United States Volunteer Infantry, are as follows: Troop H, Sixth Cavalry, enlisted January 7, 1885; discharged January 6, 1890. Troop K, First Cavalry, reenlisted February 4, 1890; discharged February 3, 1895. Troop K, First Cavalry, reenlisted February 4, 1895; discharged February 3, 1898. Troop K, First Cavalry, reenlisted February 4, 1898; on furlough since September 1, 1899, while holding commission in Volunteer Army. Certificate of merit granted June 24, 1899. Appointed first lieutenant, Fortieth United States Volunteer Infantry, August 17, 1899; accepted commission September 2, 1899, and is now serving as such while on furlough from Troop K, First Cavalry.

"Section 1285, Revised Statutes, referred to by Lieutenant-Colonel Baird, has been amended by act of Congress approved February 9, 1891, published in General Orders, No. 19, Adjutant-General's Office, 1891, to read as follows:

"'SEC. 1285. A certificate of merit granted to an enlisted man for distinguished service shall entitle him, from date of such service, to additional pay at the rate of $2 per month while he is in the military service, although such service may not be continuous.'"

Prior to the passage of the act of February 9, 1891 (26 Stat., 737), above quoted, certificates of merit for distinguished service were granted only to private soldiers. The term enlisted man was not incorporated in the law until the passage of this act. In the administration of the law as it stood prior to the act of February 9, 1891, supra, a private who had been granted a certificate of merit for distinguished service and who was subsequently appointed a noncommissioned officer, was held to be entitled to the additional pay of two dollars ($2) per month while serving as such noncommissioned officer. (Digest Second Comp., vol. 1, secs. 1328, 1329.)

The Court of Claims in the case of Bell *v.* United States (28 C. Cls., 462, 464) held that a private soldier who had received a certificate of merit for distinguished service and who subsequently enlisted as a general-service messenger under the act of July 29, 1886 (24 Stat., 166), was entitled to the additional pay of $2 per month while so serving, notwithstanding said act provided that said general-service messengers should receive no other compensation, pay, or allowances than that specified in that act. The main question considered in this case was whether a general-service messenger was in the military service as required by section 1285 of the Revised Statutes. The point that these general-service messengers were entitled to no other compensation, pay, or allowances than that specified in the act was, however, also raised and decided as follows:

"It is further contended on the part of the defendants that the claimant can not recover because the act prescribes, in section 2, a monthly compensation of $60 for each of the men enlisted as 'general-service messengers' and an annual salary for 'general-service clerks,' and in the same section provides that they 'shall receive no other compensation, pay, or allowance, except when on duty when necessity requires, they shall each be allowed for subsistence one ration in kind to be issued by the Commissary Department.'

"It is hardly a reasonable construction to hold that this provision for the pay of general-service clerks and general-service messengers was intended to repeal the special provision for additional pay allowed by Revised Statutes, section 1285, to enlisted men who receive, under section 1216, certificates of merit for having distinguished themselves in the service. It is more in accord with the canons of construction to hold that this prohibition against receiving any other pay and allowances applies only to those numerous general provisions of the Revised Statutes on the subject relating to the Army in Title XIV, chapter 3, entitled 'Pay and allowances' (secs. 1261–1308, p. 219). Bell *v.* United States (28 C. Cls., 462, 464.)"

The Attorney-General, in construing the early act on this subject, held that it should—

"be construed liberally in the spirit in which * * * enacted, not pinched and narrowed as penal statutes.

"The statute enacts that when any private soldier shall distinguish himself the President may grant him, on the recommendation of the commanding officer of the regiment, a certificate of merit which shall entitle him to additional pay at the rate of $2 per month. The merit is in the soldier, the certificate is to the man; the merit and the certificate thereof are attached to the man; the additional pay of $2 per month is in regard of the man and of the services which he performs monthly, and not of the paper which he signed at this time or at that by which he engaged to serve." (5 Op. Att. Gen., 400, 401.)

The right to the additional pay attaches from the date of the performance of the distinguished service, and the certificate of merit is only the legal and statutory evidence that confirms his right to payment. The statute provides that it shall continue while he is in the military service and does not undertake to say in what grade he shall serve while in such service. A liberal construction of the statute prohibits us from reading into the act a limitation as to the grade in which he shall serve unless such limitation arises by necessary implication. There is nothing in the act to indicate that

Congress intended to use the term military service in any other than its broad and comprehensive sense. If Congress had intended that it should be used in a limited sense it would have been easy for it to have added to the term "military service" *as such enlisted men*. Not having done so such a limitation should not be imported into the statute by construction.

I therefore hold that Lieutenant Ryan is entitled to two dollars ($2) per month additional pay from the date of his distinguished service in the military service, whether as a commissioned officer or an enlisted man.

Respectfully,

R. J. TRACEWELL,
Comptroller.

(*Pars. 198 and 1546, A. R.*)

* * * * * * *

[Cir. 48, Dec. 27, 1901.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

An enlisted man who has received a certificate of merit for distinguished service is entitled to be paid the whole of it so long as he remains in the military service of the United States, either upon the active or retired list.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
December 14, 1901.

Joseph Sudsburger appealed November 4, 1901, from the action of the Auditor for the War Department in settlement No. 371174, dated October 15, 1901.

He claimed the difference between $1.50 and $2 per month for certificate of merit from November 13, 1895, the date of his retirement as an ordnance sergeant, U. S. A., to the date of filing his application with the Auditor, which was October 7, 1901.

The Auditor disallowed his claim, as follows:

"He is entitled to but three-fourths of two dollars per month for certificate of merit from date of his retirement and has received the same in full."

This will be treated as a determination of claimant's rights by the Auditor to the date of latter's settlement.

The claimant was retired as ordnance sergeant, U. S. A., November 13, 1895, and is still borne as such on the retired list of the Army.

By the Auditor's settlement No. 343648, dated October 25, 1900, the claimant was allowed the sum of $454.86, being pay for certificate of merit from September 27, 1878; to November 12, 1895, at $2 per month, $411; from November 13, 1895, to June 30, 1897, at $1.50 per month, $29.35, and travel pay additional, $14.51.

The claimant has accepted payment of the amount allowed by the Auditor, and he is thereby precluded from obtaining a revision of such settlement as to the items on which payment has been accepted. Besides, even though payment had not been accepted, the claimant would be precluded from obtaining a revision of said settlement, because the application for revision was not filed in this office within a year from the date of the settlement. (See section 8, act of July 31, 1894, 28 Stat., 208.)

By army paymasters the claimant has received additional pay for certificate of merit from July 1, 1897, to the date of the Auditor's settlement, October 15, 1901, at the rate of $1.50 per month.

I have this day held in an advance decision rendered at the request of Lieut. Col. G. W. Baird, post paymaster, that an enlisted man who has received a certificate of merit for distinguished service is entitled to be paid the additional pay of $2 per month, as provided in section 1285, Revised Statutes, as amended by the act of February 9, 1891 (26 Stat., 737), so long as he remains in the military service of the United States, either upon the active or retired list of the Army.

In accordance with said decision the claimant is entitled to and will be paid the additional pay for certificate of merit at the rate of $2 per month from July 1, 1897, to October 15, 1901, date of Auditor's settlement, less the amount of $1.50 per month, which has been paid by army paymasters.

Upon a revision of the above-described account (settlement No. 371174), from the period for July 1, 1897, to October 15, 1901, I find and certify a difference of $25.75 due to claimant from the United States, being additional pay from July 1, 1897, to October 15, 1901, at the rate of $2 per month, $103, less $77.25, the amount received at $1.50 per month.

Appropriation:

Pay, etc., of the Army, 1899, and prior years	$12.00

To be reported to Congress and payable when an appropriation shall have been made.

Pay, etc., of the Army, 1900	$6.00
Pay, etc., of the Army, 1901	6.00
Pay, etc., of the Army, 1902	1.75

To be paid to Joseph Sudsburger, 927½ F street SW., Washington, D. C.

L. P. MITCHELL, *Assistant Comptroller.*

(*Pars. 198 and 1546, A. R.*)

[Cir. 22, July 2, 1901.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Veterinarians authorized under act February 2, 1901. Leave status same as officers of the Army to whom their pay and allowances are assimilated since date of said act. Leave prior to act need not be considered in computing deductions.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, June 7, 1901.

Lieut. Col. G. W. BAIRD.
(Through office of Paymaster-General, U. S. Army.)

SIR: I am in receipt of your letter of April 25, 1901, requesting a decision on certain questions as to the right of John B. Gilpin, veterinarian Sixth U. S. Cavalry, to pay while on leave of absence on his pay account for March and April, 1901, presented to you for payment.

"It appears that said Gilpin was appointed veterinary surgeon Sixth U. S. Cavalry, June 20, 1898, accepted appoin ment June 24, 1898, and served as such until August 3, 1899, when he accepted an appointment as veterinarian, second class, same regiment. He served in that capacity until February 2, 1901, when the grade of veterinarian, second class, was abolished by act of Congress, and since which date he served as veterinarian under the provisions of that act up to April 30, 1901, on which date he was discharged on tender of resignation.

"He has had the following leaves of absence during his service: From March 31 to April 30, 1899; from December 31, 1899, to February 28, 1900, and from March 14 to April 30, 1901."

The following questions are submitted for decision:

"1. Whether the entire service of Veterinarian Gilpin is to be counted in estimating his claim for full pay while on his present leave, and if not the entire period of service, what period?

"2. Whether all the leave hitherto enjoyed by him is to be deducted from whatever period of leave on full pay he is entitled to?

"3. For what period is he entitled to leave on full pay and for what period on half pay on his present leave?"

The act of March 3, 1863 (12 Stat., 737), provided—

"* * * each regiment shall have one veterinary surgeon, with the rank of a regimental sergeant-major, whose compensation shall be $75 per month."

The status and compensation of veterinary surgeons remained as fixed by that act until March 2, 1899.

In a decision of the Second Comptroller dated May 25, 1880 (vol. 42, p. 652), it was held—

"In the absence of regulations upon the subject it is the opinion of this office that a veterinary surgeon, while on leave, is entitled to full pay unless the leave has been granted upon condition that it should be without pay or with less than the full amount of pay. The pay of veterinary surgeons being fixed by statute, it would seem that, so long as a person is a veterinary surgeon, his pay can not be withheld, in whole or in part, whether he actually performs service or not, unless because of his consent, or because it is forfeited, diminished, or lost in consequence of some provision of law or regulation made in pursuance of law."

This decision appears to be well founded and has been uniformly followed by the Pay Department and the accounting officers.

The act of March 2, 1899 (30 Stat., 977), provides—

"That each regiment of cavalry shall consist of * * * two veterinarians. * * * Of the veterinarians provided for in this act, one shall have the pay and allowances of a second lieutenant of cavalry and one shall have the pay of $75 per month and the allowances of a sergeant-major."

Under the act of March 2, 1899, veterinarians of the second class are entitled to the pay of $75 per month and the allowances of a sergeant-major.

As the allowances of enlisted men are not dependent upon the performance of duty and are not subject to stoppage on account of absence with leave, the allowances of veterinarians of the second class being made by law the same as those of sergeant-major, must be equally independent as regards the performance of duty.

The decision of the Second Comptroller above quoted applies to veterinarians of the second class under the act of March 2, 1899, as well as to veterinary surgeons under the act of March 3, 1863, and relieves them from any stoppage of pay proper on account of absence with leave.

Section 20 of the act of February 2, 1901 (71 Stat., 753), provides—

"That the grade of veterinarian of the second class in cavalry regiments, United States Army, is hereby abolished and hereafter the two veterinarians authorized for each cavalry regiment and the one veterinarian authorized for each artillery regiment shall receive the pay and allowances of second lieutenant mounted."

By this act the pay and allowances of veterinarians are assimilated to the pay and allowances of second lieutenants mounted. An officer is entitled to full pay while on leave of absence, other than sick leave, only when such leave does not exceed thirty days in any one year. For any period in excess of the leave thus allowed he is entitled only to one-half his regular pay and allowances.

I am of the opinion that the veterinarians provided for by the act of February 2, 1901, *supra*, are officers within the meaning of said act with respect to their being subject to the same limitations as to pay and allowances during leaves of absence as the officers to whom their pay and allowances are assimilated.

As the act of February 2, 1901, abolished the grade previously held by Gilpin, and as his service after the passage of that act was in a different grade, and as the rules governing payment during leave of absence are different for the grades, I think his services should be considered separately for the purpose of determining his rights to pay while on leave of absence.

For the reasons stated above I am of the opinion and so decide—

1. That in determining his right to pay while on leave only the period of his service from February 2, 1901, to the date of his discharge should be counted.

2. That he should only be charged with the leave taken by him since February 2, 1901.

Your third question is sufficiently covered by the above decisions on the first and second questions, and your payment to Veterinarian Gilpin will be governed by the rules therein set forth.

L. P. MITCHELL,
Assistant Comptroller.

(*Art. XXVI, A. R.*)

[Cir. 29, Aug. 28, 1901.]

* * * * * * *

Veterinarians authorized under act of February 2, 1901, entitled to increased pay for length of service.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, July 29, 1901.

The honorable the SECRETARY OF WAR.

SIR: I have by your order, per indorsement of the Adjutant-General of July 22, 1901, the following letter from Lieut. Col. G. W. Baird, under date of July 11, 1901:

"I have the honor to state that Veterinarians Gerald E. Griffin, Fifth Cavalry, and Daniel Le May, Seventh Cavalry, have each made a claim for service pay. As appears from inclosed records obtained from the Adjutant-General's Office, Gerald E. Griffin served as veterinary surgeon, Seventh Cavalry, from September 17, 1889, until August, 1898, when he accepted appointment as veterinarian of the first class, Seventh Cavalry, under which appointment he still serves. His service has been continuous since September 17, 1889.

"Daniel Le May was appointed veterinary surgeon, First Cavalry, May 26, 1886, accepted appointment May 30, and his resignation was accepted October 31, 1886. He was appointed veterinary surgeon of the Seventh Cavalry August 26, 1889, accepted appointment September 2, 1889, and has served continuously to date.

"In the decision of the Comptroller dated October 31, 1900, published in Circular No. 47, Headquarters or the Army, it is held that a veterinarian is entitled to include his period of service as an enlisted man in the computation of his pay.

"I have the honor to request to be informed what percentage of increased pay the veterinarians named are entitled to upon the facts submitted, and when such increase began in the case of each.

"Please return the inclosed with the decision requested.

"Respectfully,

G. W. BAIRD,
"*Lieut. Col., D. P. M. G., Chief Disbursing Officer.*"

You request my decision on the questions as follows:

1. What percentage of increased pay are the veterinarians named entitled to upon the facts stated?

2. When did such increased pay begin in each case?

The act of February 2, 1901 (31 Stat., 748), provides:

"SEC. 1. That from and after the approval of this act the Army of the United States, including the existing organization, shall consist of fifteen regiments of cavalry * * *

"SEC. 2. That each regiment of cavalry shall consist of * * * ; two veterinarians * * * "

* * * * * * *

"SEC. 20. That the grade of veterinarian of the second class in cavalry regiments, United States Army, is hereby abolished, and hereafter the two veterinarians authorized for each cavalry regiment, and one veterinarian authorized for each artillery regiment, shall receive the pay and allowances of a second lieutenant, mounted."

It appears from the facts stated that Gerald E. Griffin served as a veterinary surgeon for eight years, eleven months and one day, and as veterinarian of the first class for two years ten months and one day, to June, 1901, the date of his letter. He is, therefore, serving in his third five years.

Daniel Le May has served as veterinary surgeon of the Seventh United States Cavalry for eleven years, nine months, and nineteen days, and as veterinary surgeon in the First United States Cavalry for five months and one day. He is, therefore, serving in his third five years.

If they are entitled to count time of service as veterinary surgeons and as veterinarians, they would appear to be entitled to the same percentage of increased pay.

Veterinary surgeons and veterinarians are a part of the Army of the United States, made so by the various acts providing for their appointment.

(See sec. 1102, R. S.; sec. 2, act of March 2, 1899; 30 Stat., 977; and act of February 2, 1901, 31 Stat., 748.)

Their service is therefore actual service in the Army, although not as an officer or enlisted man, and if they are entitled to longevity pay such service may be counted in computing it. United States *v.* Morton (112 U. S., 1, 7).

In the case of Gerald E. Griffin, a veterinarian who was entitled under the act of March 2, 1899 (30 Stat., 977, 978), to "the pay and allowances of a second lieutenant of cavalry," it was held that "he" (was) "entitled to take credit for prior service as an enlisted man in the Army in computing his pay." (7 Comp. Dec., 201.) The only question considered in this decision was the right to count service as an enlisted man, as that was the only prior service shown, but upon the principle of the decision in the case of United States *v.* Morton, *supra*, he is entitled to count service as a veterinary surgeon or as a veterinarian also.

The act of February 2, 1901, *supra*, abolished the grade of veterinarians of the second class, and gave each of the veterinarians provided for the pay and allowances of a second lieutenant, mounted.

Both of the veterinarians, on the facts stated, are serving in their third five years' service, and unless they have had prior service that should also be counted, they are entitled to the same percentage of increased pay, viz, the pay of a second lieutenant, mounted, in the third five years of his service.

The act of March 2, 1899 (30 Stat., 977), is the first act that provides that a veterinarian of the first class shall have the pay and allowances of a second lieutenant of cavalry, and as Gerald E. Griffin was a veterinarian of the first class from the date of the passage of this act, his increased pay begins at that date.

The act of February 2, 1901 (31 Stat., 753), changed the pay and allowances of Veterinarian Daniel Le May to that of a second lieutenant, mounted, and he is entitled to the increased pay from this date.

The inclosures are herewith returned.

Respectfully,

R. J. TRACEWELL,
Comptroller.

(*Art. XXVI, A. R.*)

[Cir. 30, Aug. 29, 1801.]

The following decision of the Secretary of War is published to the Army for the information and guidance of all concerned:

Veterinarians are not competent to sit as members of courts-martial or perform any of the duties which are expressly required by law to be performed by commissioned officers. As their status is assimilated to that of commissioned officers, however, they are eligible for detail as members of boards of survey, or councils of administration, and may when no commissioned officer is available serve as exchange officers or post treasurers, and may witness payments to enlisted men.

(*Art. XXVI, A. R., Pars. 319 and 791, A. R.*)

[G. O. 89, June 25, 1901.]

The following order from the War Department is published to the Army for the information and guidance of all concerned:

WAR DEPARTMENT, *Washington, June 17, 1901.*

By sections 195 and 196 of the Revised Statutes the heads of the Executive Departments are required to submit to Congress at the commencement of each regular session a report which shall embrace the transactions of the preceding year, and with the exception of the Department of Justice to furnish to the Congressional Printer copies of the documents usually accompanying their annual report on or before the 1st of November in each year, and a copy of their annual report on or before the third Monday of November in each year.

To enable the Secretary of War to comply with the law it is essential that all reports of subordinate bureaus and military commands be in his hands at such timely date as will permit their harmonious arrangement as a basis for his review of the operations of the year and recommendations for the future. To this end the following rules will be carefully observed:

All reports will cover the fiscal year ending June 30, and, as a rule, will terminate with that date. Should military conditions after June 30 require later information supplemental reports will be promptly forwarded to the Secretary of War.

Division and department commanders will have their annual reports in the hands of the Adjutant-General not later than September 1. These reports will be in printed form of the same measure as the general orders from the Headquarters of the Army, and will embrace a report of military operations during the year, fully setting forth the conditions generally in their commands and be accompanied by the reports of their various staff officers and reports of important military operations of subordinate commanders. These reports to be as brief and succinct as possible, avoiding duplications and prolixity of statement. The reports of division commanders, while reviewing the operations of departments under their command, will not include a reprint of the reports of such department commanders. Twenty printed copies will be sent to the Adjutant-General of the Army.

The reports of the military governors of the Philippines and Cuba will be in printed form of the same size as above prescribed for the reports of division and department commanders, and must be in the hands of the Secretary of War not later than October 1.

The reports of the Commanding General of the Army, of the heads of bureaus, of the Board of Ordnance and Fortification, of the Commissioners of the National Military Parks, of the inspection of the National Homes for Disabled Volunteer Soldiers required by act of August 18, 1894, of the Board of Commissioners of the Soldiers' Home of the District of Columbia and of the inspection of the Soldiers' Home of the District of Columbia required by act of March 3, 1883, and of the Superintendent of the Military Academy will be rendered in manuscript, and must be in the hands of the Secretary of War not later than October 1.

Illustrations to accompany reports should be limited in number and confined to those that are directly related to the text and necessary to its clear understanding. To enable the Public Printer to produce the best results they will be sent in their original form. Maps, plans, and drawings intended to be lithographed to be on tracing linen or drawing paper, photographs to be the best possible prints from the negatives, and no photo-engraving or lithographic work will be ordered without special authority of the Secretary of War.

ELIHU ROOT, *Secretary of War.*

(*Par. 211, A. R.*)

[G. O. 47, May 31, 1902.]

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II. The following order from the War Department is published to the Army for the information and guidance of all concerned:

WAR DEPARTMENT, *Washington, May 29, 1902.*

The attention of officers in command of military departments and commands in the field, and of chiefs of bureaus of the War Department, is called to the inexpediency of the practice which has recently grown up of printing in full the reports of subordinate commanders, staff officers, and others, as appendices to annual reports. The mass of documents thus collected and printed has become so great that the mere bulk of the reports prevents their being read or consulted and involves very great expense for practically useless printing.

Commanding officers of military departments and commands in the field, and chiefs of bureaus, will be expected hereafter to give in their own reports such résumé of the reports of their subordinates and such expressions on the important features of those reports as they deem wise, and they alone will henceforth be printed, the manuscript reports of subordinate commanders, staff officers, and others, unless of special professional value, being simply filed in the office of the officer making the report for reference and action.

The instructions published in General Orders, No. 89, June 25, 1901, Adjutant-General's Office, for the preparation of annual reports are modified accordingly.

ELIHU ROOT, *Secretary of War.*

(*Par. 211, A. R.*)

[Cir. 35, Oct. 7, 1901.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

ADJUTANT-GENERAL OF A DEPARTMENT—TITLE OF DETAILED LINE OFFICER.—An officer of the line detailed as assistant adjutant-general under the act of Congress approved February 2, 1901, and assigned to duty as adjutant-general of a geographical department, should in signing orders and communications use the title "Major of Cavalry (Artillery or Infantry), Adjutant-General," the title of the office to which he is assigned under paragraph 214 of the Regulations being adjutant-general and not assistant adjutant-general.

(*Par. 214, A. R.*)

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[G. O. 118, Sept. 4, 1901.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned, in connection with the provisions of General Orders, No. 81, June 13, 1901, from this office, creating artillery districts:

The station of the district commander will be the headquarters of the district; his staff will consist of two officers of not higher rank than captain (usually one captain and one lieutenant) selected from the available artillery officers on duty in his district.

The records of an artillery district will consist of an order book; a letters-received book and index for letters received; a letters-sent book and index for letters sent; all orders, circulars, and instructions from higher authority; extract copies of the monthly returns of posts in the district; muster rolls of the field, staff, and band; all correspondence, returns, and reports relating to fire control and artillery efficiency.

Commanding officers of posts serving in artillery districts will furnish an extract copy of so much of the post returns as includes the artillery part of their commands direct to the district commander.

Commanding officers of batteries and companies of artillery not serving in artillery districts will forward all reports and returns to the Adjutant-General of the Army through military channels, with the exception of the monthly returns, which will be sent direct, in compliance with General Orders, No. 15, Adjutant-General's Office, February 13, 1901.

(*Pars. 227, 367, and 408, A. R.*)

[G. O. 137, Oct. 22, 1901.]

By direction of the Acting Secretary of War, the following is published for the information and guidance of all concerned:

The commanding officer of each battery of guns or mortars at a seacoast fortification will keep an emplacement book, in which will be entered the following information:

Full range tables adapted to height of guns, data required at the range finder, and other desirable information.

The tactical numbers of the guns or mortars, followed by the factory and carriage number.

All letters sent or received which pertain solely to the armament or the emplacement; all orders in force relating to care and service of same.

All defects noted in guns or equipment, with statement of action taken, and when and what repairs or alterations were effected.

The foregoing record will be kept in blank books furnished by the Quartermaster's Department.

(*Par. 227, A. R.*)

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[Cir. 6, Feb. 18, 1902.]

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By direction of the Secretary of War, the attention of all officers is called to the excessive requests made upon the War Department for record books, books of instruction, and blank forms, which in many cases indicate not alone a lack of care in the preparation of such requisitions, but also in the use and preservation of the books and blanks furnished. Only such quantities of these supplies will hereafter be called for as the actual needs of the public service require, and officers must give their personal attention to the proper care and use of books and blanks furnished them.

In making requisitions the quantity on hand will be deducted from the quantity required, as in the case of other public property, and the period for which supplies are desired will be stated, which should not exceed six months and for recruiting purposes not for more than three months.

(*Pars. 227, 294, and 1761, A. R.*)

[Cir. 37, Oct. 18, 1901.]

By direction of the Acting Secretary of War, the colors of the former regiments of artillery will be forwarded to the Adjutant-General of the Army for preservation. The guidons of the former light batteries, when replaced by new regulation guidons, will be disposed of as provided in paragraph 249 of the Regulations of 1901.

(*Pars. 247 and 249, A. R.*)

[Cir. 7, Feb. 27, 1902.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

There is no reason for a departure from the invariable rule that there should be but one commanding officer at a post, who should be held responsible for the complete instruction and efficiency of his command, no matter of how many branches of the service the garrison is composed.

The duties of subordinate commanders are well defined, and it is the express duty of the commanding officer to see that they are carried out, even if he may not have the technical knowledge of all the details pertaining to each particular branch, as the Medical Department, the Signal Corps, the Engineer Corps, or the Artillery Corps.

Long-established practice has shown the wisdom of the rule, and it requires no argument to show that to exempt the artillery from its application would be at the risk of harmony—would divide responsibility and impair efficiency. Even under the latitude of paragraph 436 of the Regulations, which exempts the artillery from certain post duties, well-founded complaints have sometimes been engendered, and to extend it so as to practically make a quasi-independent command in a post would tend to weaken, not strengthen, the hand of the post commander.

When two or more field batteries are serving at a post of different arms of the service there can be no objection to a provisional battalion of artillery "for maneuvers and instruction," the same as prescribed for infantry and cavalry, without separate headquarters or distinctive records, and all under the immediate control of the post commander, and to the detail for these purposes of an adjutant and sergeant-major by the battalion commander.

(*Pars. 254 and 436, A. R.*)

[Cir. 8, Mar. 7, 1902.]

The following decision published for the information of all concerned:

OFFICERS' SCHOOLS AT POSTS.—The "officers' schools at posts," prescribed in paragraph 5, General Orders, No. 155, November 27, 1901, from this office, replace and supersede the lyceums referred to in paragraph 257 of the Regulations, which are discontinued as separate institutions. The requirement in said order that "all captains of the line of less than ten years' service," with certain exceptions, shall participate in the work of the schools applies to captains having less than ten years' service as commissioned officers in the Regular Army.

The books required for use in the officers' schools other than those published by the Government and distributed by the War Department must be provided by the individual officers concerned.

(*Par. 257, A. R.*)

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[G. O. 157, Dec. 2, 1901.]

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By direction of the Secretary of War, vinegar cruets are added to the list of mess furniture to be supplied to troops under the provisions of General Orders, No. 7, January 29, 1895, from this office, and the allowance is fixed in the proportion of eight cruets to each one hundred men.

(*Par. 316, A. R.*)

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[Cir. 13, Apr. 15, 1901.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

COMPANY FUND.—In the organization of the new companies of Coast Artillery, specified in General Orders, No. 25, February 28, 1901, from this office, a *pro rata* share of the fund of each old company will be transferred to the new one with which its enlisted personnel divided.

(*Par. 331, A. R.*)

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[Cir. 25, July 15, 1901.]

The following decision of the Secretary of War is published to the Army for the information and guidance or all concerned:

COMMUTATION OF FRESH VEGETABLES.—A primary duty of the Subsistence Department is to supply to troops the articles of the ration *in kind* wherever it is practicable to do so. Chief commissaries are not authorized, in the absence of post gardens (A. R. 354 of 1901), to produce a dearth of fresh vegetables at a post by not contracting for a supply of the same and thus give rise to claims by troops for commutation under paragraph 1384, Army Regulations of 1901. The preference of the post for commutation should not waive the duty of the Subsistence Department in the premises.

(*Pars. 354 and 1384, A. R.*)

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[Cir. 5, Jan. 23, 1902.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Post exchanges, as now constituted, having been recognized as Government agencies by the Treasury Department and by the Court of Claims to the extent of exempting them from the payment of internal-revenue taxes (Dugan *v.* United States, 34 Court of Claims, 458), the prohibition heretofore imposed by Circular No. 12, November 21,

1895, from this office, against the use of penalty envelopes in conducting correspondence of post exchanges, is, with the consent of the Postmaster-General, modified so as to permit the use of penalty envelopes by officers in charge of post exchanges for all correspondence relating to the conduct of the business thereof.

(*Art. XXXIX, A. R., and Par. 908, A. R.*)

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[Cir. 9, Mar. 14, 1902.]

There being an accumulation of surplus subsistence stores at New York City, San Francisco, Cal., and Vancouver Barracks, Wash., rendered so by the reduction of the forces in the Philippines, authority is hereby granted by the Secretary of War, until the end of the fiscal year, for the purchase and sale at a fair profit, by post exchanges, of such stores, as well as of stores rendered obsolete by Circular No. 4, Office of the Commissary-General, of June 13, 1901.

The provisions of paragraph 11, Post Exchange Regulations (General Orders, No. 5, February 2, 1901, from this office), are modified accordingly. A list of stores thus available for sale will be furnished to post exchanges.

(*Art. XXXIX, A. R.*)

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[Cir. 13, Apr. 4, 1902.]

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The following decision has been made and is published to the Army for the information and guidance of all concerned:

STOPPAGE OF PAY OF ENLISTED MEN FOR DEBT DUE THE POST EXCHANGE.—The provisions of paragraph 363 of the Regulations, as amended by General Orders, No. 90, June 26, 1901, from this office, in regard to stoppage of pay of enlisted men for debts due the post exchange, only authorize the settlement of such debts by the paymaster when making payments to enlisted men. Such debts can only be collected from any balance due the soldier after stoppages for debts due the United States and for forfeitures by sentences of courts-martial have been satisfied.

(*Par. 363, A. R.*)

[G. O. 25, June 30, 1902.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

The amount due the post exchange by a deceased soldier is a debt and constitutes a proper claim against his estate, and may be legally deducted from the pay and allowances due the same.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, June 14, 1902.

The Secretary of War appealed June 7, 1902, from the action of the Auditor for the War Department in settlement No. 378979, dated March 25, 1902, of the claim of O. F. Snyder, second lieutenant, Eighteenth United States Infantry, post exchange officer, Fort Duchesne, Utah, for amount due the

post exchange at said place by Reuben S. Dunn, late a private of Company H, Fifth United States Cavalry, and Walter L. Farrar, late a private of Company I, Eighteenth United States Infantry, both deceased.

The Auditor disallowed the claim, as follows:

"Under existing laws, a soldier's indebtedness to a post exchange is not a lien against his pay; hence, unless such indebtedness be collected from the soldier during his lifetime, the post exchange has no legal claim against the United States for the amount thereof, and the accounting officers are not authorized to allow such indebtedness from the amount due the soldier's estate."

According to the final statements issued in the case of Dunn he was indebted to the post exchange at the time of his death in the sum of $4 and in the case of Farrar $3. Dunn's father has received by settlement of the Auditor the balance of pay due the soldier at the date of his death, no deduction being made by the Auditor on account of the soldier's indebtedness to the post exchange. In the case of Farrar no settlement of the balance due at the date of his death has been made to anyone.

In a decision of this office dated June 14, 1901 (MSS. Dec., vol. 17, p. 1378), it was held that stoppage against pay of an enlisted man justly indebted to the post exchange not to exceed the amount of credit authorized by the Exchange Regulations might be legally made and the amount collected by the paymaster, and by him turned over to the proper exchange officer. This office in said decision quoted with approval the decision of the Court of Claims (34 Ct. Cls., 458), and the Judge-Advocate-General of the Army (par. 1384 *et al.*, opinion J. A. G., 1901), to the effect that, inasmuch as the post exchange is established, maintained, and managed under special regulations prescribed by the Secretary of War, it became an agency or instrumentality of the Government, and this being so, the Government had a right to protect it, even to the extent of stopping the pay due enlisted men to reimburse the funds of the exchange for indebtedness contracted by them. On the basis of my decision the Secretary of War amended paragraph 363, Army Regulations, 1901, to read as follows:

"Post exchanges are established and maintained under special regulations prepared by the War Department. These special regulations will be issued from time to time as necessity may demand.

"The amount of indebtedness of a soldier to a post exchange contracted in accordance with such regulations will be noted on the muster roll for the next succeeding month and be deducted, if practicable, from his pay by the paymaster making the payment and turned over to the post exchange officer, who will duly receipt to the paymaster and the soldier for the amount so received. In case of discharge of a soldier the amount of any such indebtedness will be noted on the final statements and in like manner be deducted from payment made thereon."

On March 17, 1902, the Assistant Adjutant-General, United States Army, addressed a communication to the commanding officer of Troop H, Fifth United States Cavalry, at Denver, Colo., as follows:

"Referring to your letter of the 19th ultimo, requesting the opinion of the Judge-Advocate-General of the Army as to whether an account of a deceased soldier owed to the post exchange is a proper claim against the estate of the soldier, I have the honor to inform you that upon reference to the Judge-Advocate-General he has remarked as follows:

"'The post exchange has been held to be a Government instrumentality for the purpose of providing for the subsistence and welfare, good order, and discipline of the Army. (Dig. Opins., J. A. G., sec. 2013, and decision of Court of Claims in the Dugan case, cited in note thereto). In accordance with this view, it has been held that, the Government having the right to protect its instrumentalities, stoppages may legally be made to reimburse the post-exchange fund on account of losses for which officers and enlisted men are responsible. (Idem, sec. 2012). I am clearly of the opinion that the amount due by a deceased soldier to a post exchange is a debt and constitutes a proper claim against the estate. Moreover, I am of opinion that it should be held that the amount due the post exchange may legally be deducted from the pay and allowances due the estate. It is thought that this would follow from the right of the Government to protect its instrumentality, and for this purpose the debt should be treated as though it were due the United States.'

"It is therefore suggested that, basing action upon the opinion of the Judge-Advocate-General, as above cited, you file claim with the Auditor for the War Department in the case you have in hand."

I concur in the above opinion of the Judge-Advocate-General.

In the case of Dunn, the Auditor having paid the balance due to his heirs, it is now too late for the post exchange to seek payment of its claim through the accounting officers, and the post exchange must look to the heirs of soldier for settlement of its claim.

Upon a revision of the above account I find and certify a difference of $3 due to the post exchange at Fort Duchesne, Utah, from the amount owing by the United States to the estate of Walter L. Farrar, deceased, which will be withheld from the amount otherwise due the estate of said soldier and paid to the proper officer of said post exchange, and hereafter where stoppage in favor of the post exchange is noted on the rolls or final statements and no adjustment of it has been made by a paymaster, the Auditor will ascertain whether it is a proper charge, and if he finds that it is the proper deduction will be made from the balance of pay and allowances due the estate of the deceased soldier and the amount paid to the proper officer of the post exchange.

L. P. MITCHELL, *Assistant Comptroller.*

(Par. 363, A. R.)

[Cir. 12, Mar. 28, 1902.]

I. The following decision is published for the information of all concerned:

MILEAGE ORDERS IN ARTILLERY DISTRICTS.—The commanding officer of an artillery district has no authority to issue orders carrying mileage to and from posts within the district under his command.

(*Par. 368, A. R.*)

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[G. O. 51, June 6, 1902.]

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

1. With a view to establishing systematic instruction in submarine mining in artillery districts and at coast artillery posts, commanding generals of departments containing such districts will, upon the recommendation of the district commander, detail a suitable officer to take charge of such instruction at posts provided with a mine equipment. The officer so recommended and detailed should, if practicable, be one who has had a course of instruction in submarine mining at the former Engineer School at Willets Point, N. Y., but when this is impracticable he should possess some knowledge of electricity.

This course of instruction will include the care and preservation of the submarine-mine equipment; in the practicable details and working of the mining casemate apparatus; in the planting of a single mine and a triple group of mines in shoal water when barges or yawls are available, and when not available laying out the same on land, and in a general testing of the equipment.

This instruction will be given in each district for at least one month annually at every post provided with a mine equipment, and the periods of instruction at the different posts will be so regulated that the district submarine-mine officer may visit each during the period of instruction and supervise the same.

On completion of the instruction at a post the district submarine-mine officer will submit a confidential report of the result of the instruction and the condition of the mine equipment direct to the district commander. The latter will forward this report, confidentially, to the department commander, who will transmit the same in like manner to the Adjutant-General of the Army.

2. The commanding officer of a post provided with a submarine-mine equipment will detail a suitable officer to take charge of the same, attend to its care and preservation, and give the instruction required by this order. A detail of not less than three noncommissioned officers and twelve privates, especially selected, will be directed to report to the officer in charge of the mine equipment to assist him in its care and preservation at all times and for instruction purposes at such periods as may be designated by the district commander. During the period of practical instruction in submarine mining at a post the officer in charge of a mine equipment and the selected detail will be excused from other drills and parade, and when practicable from guard and police duty.

(*Par. 369, A. R.*)

[G. O. 58, June 20, 1902.]

By direction of the Secretary of War, in order to fix more definitely the accountability for certain classes of tools issued to artillery seacoast defense posts by the Engineer, the Ordnance, and the Quartermaster's Departments, the property referred to will be transferred and hereafter issued and accounted for as follows:

All bench and hand tools and appliances for working metal (except special tools,

fixtures, and spare parts for oil engines, steam engines, and electrical machinery which are habitually supplied by the makers with such machinery) now on hand at seacoast fortifications and borne on Engineer Department property returns will be transferred to the Ordnance Department, and in future such tools will be issued only by that department.

All coal-handling and fire tools and appliances, all grass-cutting tools, and all carpenters' tools now on hand at seacoast fortifications and borne on Engineer Department property returns will be invoiced to the Quartermaster's Department, and in future such tools will be issued only by that department.

Post commanders will cause their engineer officers, ordnance officers, and quartermasters to make these transfers on regular invoices and receipts, and to be governed by the foregoing instructions in making requisitions for tools.

(*Pars. 382, 383, 385, A. R.*)

[Cir. 6, Feb. 12, 1901.]

I. The attention of the Secretary of War has been called to several instances where range finders shipped from their respective posts to instrument makers for regraduation, or to arsenals for storage, have arrived in a damaged condition, with the telescopes and other delicate parts broken or damaged, due to improper packing; and he therefore directs that greater care be exercised in packing, and that the packing be done under the direct supervision of a commissioned officer; the several parts to be so packed that the telescopes will be well supported lengthwise and rendered incapable of motion in any direction.

II. The Ordnance Department having found that hydroline oil meets all the requirements of a good oil for use in the cylinders of gun carriages, and the same being now issued exclusively to the service for that purpose, the following instructions regarding its use are by direction of the Secretary of War published for the information and guidance of all concerned:

Officers receiving it are cautioned to use it by itself and not to mix it with old neutral oil in the cylinders or in any other manner. Before putting the hydroline in the cylinders they should be thoroughly cleansed so as to leave no trace of acids, rust, or other detrimental matter. Any foreign matter would tend to deteriorate if not destroy the good qualities of hydroline, which the Department has secured at considerable trouble and expense.

The specifications for hydroline oil, as adopted by the Department, are as follows:

The oil is used to fill the cylinders and check recoil of the gun carriage by passing as a liquid through small orifices at the side of the piston head in motion.

It must fulfill the following requirements:

1. Entirely neutral and free from acid or alkali when tested at ordinary temperature and at a temperature of 150° F.

2. Free from ash and saponifiable oil and to show no trace of decomposition when heated to 200° F.

3. Specific gravity within the limits 0.835 and 0.87, or 39° and 31° Baumé.

4. Cold test, or point at which flow ceases, not above 0° F.

5. Viscosity (tested by Seybolt viscosimeter in use by the Standard Oil Company), 40 seconds plus or minus 5 seconds at 70° F., and preferably to vary as little as practicable from this between limits of 30° and 100° F., but not to be greater than 70 seconds at 30° or less than 30 seconds at 100° F.

The neutral oil on hand at the various posts should be used up, and any further requisitions for oil for the cylinders of gun carriages should specify hydroline.

(*Art. XLI, A. R.*)

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[Cir. 21, June 28, 1901.]

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The attention of the Secretary of War has been called to several instances where artillery troops have attempted to change the effect of throttling oil in the hydraulic cylinders of seacoast gun carriages by loosening or tightening the throttling-bar bolts passing through the walls of the cylinders, and he directs that this dangerous practice be discontinued in future, and that officers in charge of seacoast carriages be required to see that all bolts passing into hydraulic cylinders are kept tight at all times.

(*Art. XLI, A. R.*)

[Cir. 11, Mar. 22, 1902.]

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The recoil cylinder oil now furnished by the Ordnance Department contracts in volume when frozen, so that bursting of the pipes or cylinders of gun carriages is not likely to happen due to freezing of the oil alone. If water is accidentally mixed with the oil, either from condensation or other causes, it will, when placed in recoil cylinders, accumulate in the lowest part of the piping, and if not occasionally removed may, when frozen, burst the pipes. To avoid this during cold weather liquid should occasionally be removed from the emptying plugs of gun carriages, the same volume of oil then being placed in the recoil cylinders to keep them filled.

To keep the oil as free from water as possible, care should be exercised that receptacles used in the storage of oil are not left open to the weather.

When necessary to fire a gun in extremely cold weather, the first round should be with a reduced or warming charge, to decrease the viscosity of the oil resulting from the temperature, thus avoiding high cylinder pressures that might have resulted had a full charge been used.

II. In order to insure the early supply of each fortification electric plant with all absolutely necessary tools, the commanding officer of each seacoast fortification will have prepared and forwarded through the local district engineer officer a complete list, showing in one column the numbers of all hand and bench tools needed for the efficient service of the electric plants at his post, in another column all such tools now on hand and pertaining to post returns of property rendered to the Chief of Engineers, and in a third column the difference between the two preceding columns—that is, the additional tools that will be needed to complete the outfit.

Only such light hand and bench tools as are needed for emergency repairs should be asked for. Heavy repairs, heavy pipe cutting, etc., will be provided for in the power tool shops to be established at an early date for the more important seacoast forts.

Where there are a number of separate plants at the same post the lists should be made out for each plant, showing only the tools needed at that special plant, and a separate list should be submitted covering such tools as the electrician sergeant can conveniently carry from one plant to the others in a portable kit.

The district engineer officers will carefully examine the lists, will enter the probable cost of the several items, if supplied from the local market, and will then forward the papers to the Chief of Engineers.

(*Art. XLI, A. R.*)

[G. O. 137, Oct. 22, 1901.]

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By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

In order to prevent delays, expense, and unnecessary correspondence, any damage to or defects in the engineer or ordnance work or material at any artillery post will as soon as observed be communicated in writing direct to the district engineer officer and district ordnance officer (A. R., 384), respectively, who have been authorized to make needed repairs, and the quarterly reports of inspection rendered under paragraph 400 of the Regulations and other reports upon this subject will include a statement that this has been done and whether the repairs have been made and the defects corrected or are receiving the attention of the proper department. Commanding officers of artillery districts are specially charged with the observance of this order.

(*Pars. 384 and 400, A. R.*)

[G. O. 34, Apr. 3, 1902.]

By direction of the Secretary of War, and in order that every known defect may be pointed out and considered, the commanding officer of each seacoast fortification will accompany the district engineer officer on the quarterly inspection of the engineering features of the modern batteries and their equipment in his district, required under instructions of the Chief of Engineers, and will note this fact upon the report required by paragraph 400 of the Regulations.

(*Par. 400, A. R.*)

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[G. O. 153, Nov. 21, 1901.]

The following rules for firing salutes with cannon are published for the information and guidance of all concerned:

1. Salutes with cannon will be fired under the charge of commissioned officers, who shall be present at the firing and direct it.

2. Guns using metallic-case ammunition will be used whenever practicable; in their absence breech loading guns should preferably be used; muzzle loaders will be used only when breech loaders are not available. When using muzzle-loading guns a sufficient number should be employed, if practicable, to avoid the necessity of firing the same gun a second time.

3. For breech-loading or muzzle-loading guns cartridge bags will be made of silk, measuring in length at least one and a half times the diameter, and care will be taken that the sponges are not worn and thoroughly fill the chamber or bore of the gun, and when the same gun is fired more than once the intervals between discharges will be sufficient to allow the chamber or bore to be thoroughly sponged and examined. Unless all of these conditions be fulfilled salutes will not be fired with these classes of guns.

4. The instructions contained in Artillery Circular L of 1897 are modified accordingly.

(*Par. 465, A. R.*)

[G. O. 117, Sept. 3, 1901.]

By direction of the Secretary of War, the United States Engineer School at Willets Point, N. Y., will be removed to and established at Washington Barracks, D. C.

(*Par. 531, A. R.*)

[Cir. 45, Dec. 10, 1901.]

The attention of officers accountable for fortification and submarine mining property at artillery posts is called to the following rules of the Engineer Department governing the disposition of such property:

No items of property are considered expendable except those that have become fixtures, being permanently built into the work, or those that have actually lost their identity by use.

The first class comprises electric-wire circuits, junction boxes, underground and interior conduits, pipe lines, speaking tubes, tracks, trolley rails, etc.

The second class comprises acids, cotton waste, emery paper, glue, oil, mercury, paint, paraffin, insulating tape, resin, solder, tallow, varnish, lamps, fuses, etc.

Items of the first class may be disposed of on the returns by stating clearly in the proper columns the exact manner of their disposition or expenditure.

Items of the second class actually expended may be disposed of on the returns in the same manner as "expended in construction, operation, or repair of plant."

In case a doubt exists as to whether certain articles are expendable under the above classification a certificate covering the expenditure of the property will be submitted as required by paragraph 764 of the Regulations, the items being accounted for on the returns until action has been taken by the Secretary of War.

Care should be exercised to report all transactions in the proper columns.

Officers will not expend or drop as expended from their property returns machinery or appliances installed as part of any emplacement, battery, or power plant. This applies to all machinery and appliances, whether in permanent positions, such as boilers, engines, dynamos, switchboards complete, pumps, motors, controllers, switches, lamp fixtures, storage batteries, electric fans, transformers, telephones, etc., or whether they are movable like trolleys, differential pulleys, tools, portable ammeters and voltmeters, testing sets, thermometers, indicators, tachometers, hose, etc.

These articles, as well as expendable articles, will be taken up and accounted for on the property returns and when transferred will be transferred on regular invoices and receipts.

(*Pars. 532 and 764, A. R.*)

[G. O. 22, Mar. 3, 1902.]

The following rules and regulations governing the division of electrician-sergeants of the School of Submarine Defense are published to the Army for the information and guidance of all concerned, in connection with General Orders, No. 145, November 8, 1901, from this office:

1. The school terms of the division of electrician-sergeants of the School of Submarine Defense, Fort Totten, N. Y., will begin January 1 and July 1 of each year; the course will be for six months, and no candidate will be ordered to join a class undergoing instruction after the beginning of the school term.

2. Preliminary examination of candidates will be held at posts as heretofore on approved applications. Those who pass a successful examination will until the beginning of the next school term be known as accepted candidates, and will be given every facility at their stations to study electricity and to assist in the practical management of any electrical plants available.

3. Accepted candidates will be registered and their examination papers filed at the School of Submarine Defense. From this register recommendations for the formation of a class will be submitted to the Adjutant-General of the Army in time to permit a class to be ordered to report at the school at least ten (10) days before the beginning of the school term. In case there are more than twenty (20) accepted candidates the selection of the twenty having the highest average as shown by their examination papers will be made by the school board; all others will be available to become accepted candidates again only after having passed another preliminary examination.

4. The class will be limited to (20) candidates for the present. As the facilities for instruction increase this number may be increased from time to time on the recommendation of the school board.

5. Failure to study or take advantage of the opportunities offered for study and improvement or any misbehavior of any candidate at the school will be followed by a summary dismissal therefrom, on the recommendation of the school board, after due consideration of the case.

(*Par. 537, A. R.*)

[G. O. 60, June 25, 1902.]

In addition to the organization of the School of Application for Cavalry and Field Artillery at Fort Riley, Kans., as prescribed for the "Cavalry and Light Artillery School" in paragraph 541 of the Regulations, the commanding officer of the battalion of field artillery and the captains of the batteries of field artillery stationed at that post shall constitute a board to be known as "The Field Artillery Board," to which may be referred from time to time all subjects concerning the operations of artillery in the field upon which the Commanding General of the Army may desire its opinions and recommendations. The adjutant of the artillery subpost will act as recorder of the board.

(*Par. 541, A. R.*)

[Cir. 17, May 13, 1902.]

By direction of the Secretary of War, the following decisions of the Comptroller of the Treasury are published to the Army for the information and guidance of all concerned:

Mounted pay. Officer detailed to field battery. Due only from date officer actually joined his new command or personally reported for duty. Date of order does not govern payment. Comptroller thus confirms decision of Secretary of War, announced in Circular No. 1, series of 1884, from this office.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, April 22, 1902.

Maj. W. VINSON, *Acting Chief Disbursing Officer, Pay Department.*
(Through office of the Adjutant-General U. S. Army, War Department).

SIR: I am in receipt of your communication of November 22, 1901, requesting to be informed from what date the mounted pay begins in the case of an officer detailed or transferred to the field artillery, whether from the date of the order making the detail for duty to the field artillery or only from the date of reporting for duty with the field artillery under the order.

The specific case you have is that of Capt. Adelbert Cronkhite, who was assigned to the field artillery by the orders of the Secretary of War, dated September 3, 1901, but who appears not to have actually joined the field artillery for duty until on or about October 2, 1901, the War Department reporting that he was on leave and en route to join his new command from July 23 to October 2, 1901. General Orders, No. 116, of September 3, 1901, provides:

"1. Under the provisions of section 9 of the act of Congress approved February 2, 1901, nine batteries of field artillery, in addition to those now in service, will be organized with the commissioned officers and at the stations hereinafter designated:

"Fort Douglas, Utah, one battery, the Twenty-second—

"Capt. Adelbert Cronkhite."

* * * * * * *

"The officers herein assigned to batteries will proceed to join their proper stations. The travel enjoined is necessary for the public service."

Section 4 of the act of February 2, 1901 (31 Stat., 749) provides:

"That the Artillery Corps shall comprise two branches—the coast artillery and the field artillery. The coast artillery is defined as that portion charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses, and the field artillery as that portion accompanying an army in the field, and including field and light artillery proper, horse artillery, siege artillery, mountain artillery, and also machine-gun batteries."

Section 5 of the same act provides:

"That all officers of artillery shall be placed in one list, in respect to promotion, according to seniority in their several grades, and shall be assigned to coast or to field artillery according to their special aptitude for the respective services."

Section 1270, Revised Statutes, provides:

"That officers of the Army and of volunteers assigned to duty which requires them to be mounted shall, during the time they are employed on such duty receive the pay, emoluments, and allowances of cavalry officers of the same grade respectively."

The War Department held, January 14, 1884 (published in Circular 1, A. G. O., 1884), in the case of officers transferred to or from light batteries that—

"Under the paragraph 2385 of the Regulations, officers transferred to light batteries, in order to become entitled to mounted pay, must join the batteries to which transferred, and they are entitled to mounted pay from the dates they actually join. Officers transferred from light batteries are entitled to mounted pay up to the dates they are actually relieved from duty with their respective light batteries."

This was a decision construing paragraph 2385 of the Army Regulations of 1881, which provided that officers of one light battery for each regiment of artillery and the officers of such other light batteries of artillery as might be designated by the President and equipped as such, each having the organization of a light battery, should be entitled to pay as mounted officers.

Paragraph 1450, Army Regulations, 1901, which is similar, provides that the officers of a field or siege battery duly organized and equipped are entitled to pay as mounted officers.

It appears that Captain Cronkhite was in command of Battery G, Fourth Artillery, from February 1 to 13, 1901, and that on latter date orders were issued designating said organization as the Forty-first Company of Coast Artillery, which organization he commanded until July 23, 1901. He was assigned to the Twenty-second Battery, Field Artillery, as stated above, and is reported in command of said battery from October 2 to 21, 1901.

General Orders, No. 116, *supra*, provided also that the additional batteries therein authorized should be organized by transfers from existing organizations. The men of old Battery No. 12, stationed at Fort Douglas, Utah, were transferred to the new Battery No. 22, to be organized at the same place.

The order further directed that the organization of the new batteries should be commenced without delay by transfers and recruitment to the maximum strength of 160 men.

It is not shown on what date the Twenty-second Battery, Field Artillery, became duly organized and equipped or whether the same was duly organized and equipped on or before October 2, 1901; but inasmuch as the old organization, with all its guns, horses, etc., formed the nucleus of the new organization, the presumption is that it was organized and equipped at least from October 2, 1901, within the meaning of the Regulations and in the sense that it required a commanding officer.

Under the law and Regulations stated above, I am of the opinion that the rule as established by the War Department in 1884 is the correct one, and that Captain Cronkhite is entitled to mounted pay only from the date he actually joined his new command or personally reported for duty.

The decision of July 25, 1901 (8 Comp. Dec., 50), has not been overlooked. That decision has reference only to details under the act of November 3, 1893.

Respectfully,

R. J. TRACEWELL, *Comptroller.*

(*Par. 1450, A. R.*)

An officer granted leave of absence while in receipt of commutation of quarters is entitled to commutation of quarters while away from regular station under the orders granting him leave of absence.

NOTE.—This decision is given in answer to question whether during period officer was on Government transport en route to the United States he should recover such allowance.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, April 23, 1902.

Col. C. C. SNIFFEN,

Acting Paymaster-General U. S. Army, War Department.

SIR: I am in receipt of your communication of the 30th ultimo, as follows:

"I have the honor to forward the inclosed letter of Capt. F. H. Lawton, with indorsement thereon by the chief paymaster, Department of the East, with request for decision.

"Capt. F. H. Lawton, C. S., was on duty in Manila, P. I., and in receipt of commutation of quarters, he being 'on duty without troops at a place where there were no public quarters.' By paragraph 3, Special Order, No. 250, Headquarters Division of the Philippines, he was 'granted leave of absence for one month with permission to visit the United States,' which leave, under the provision of the act of March 2, 1901, General Order, No. 26, Adjutant-General's Office, 1901 (Stat.), took effect on reaching the United States. The officer, as stated in his letter herewith, came to the United States on a Government transport leaving Manila October 18, 1901, and arriving in the United States December 23 following. By paragraph 14, Special Order, No. 13, Adjutant-General's Office, dated January 16, 1902, he was ordered, on the expiration of his leave, to take station in New York City. The question submitted is, Whether during the period he was on the Government transport en route to the United States he should receive the allowance of commutation of quarters. During the period of his leave he was entitled to full pay, and under existing laws to commutation of quarters during the period of such leave.'"

The act of March 2, 1901 (31 Stat., 902), provides:

"That leaves of absence which may be granted officers of the Regular or Volunteer Army serving in the Territory of Alaska or without the limits of the United States for the purpose of returning thereto, or which may have been granted such officers for such purpose since the thirteenth day of October, eighteen hundred and ninety-eight, shall be regarded as taking effect on the dates such officers reach or may have reached the United States, respectively, and as terminating, or as having terminated, on the respective dates of their departure from the United States in returning to their commands, as authorized by an order of the Secretary of War dated October thirteenth, eighteen hundred and ninety-eight."

Paragraph 1491 and 1492, Army Regulations, 1901, provide:

"1491. An officer on duty at a station where he is properly in receipt of commutation of quarters is entitled to the allowance during ordinary leave on full pay, but not during sick leave. If he is relieved from duty at the station and then granted a leave his commutation ceases.

"1492. An officer does not lose his right to quarters or commutation at his permanent station by a temporary absence on duty. While he continues to hold that right and exercises it by constructive occupation or use of any kind, he can not legally demand quarters nor commutation at any other building. Exceptions to this rule can only be made by the Secretary of War."

The papers submitted show that the officer was granted a leave of absence for one month with permission to visit the United States by Special Orders, No. 250, dated Headquarters Division of the Philippines, September 23, 1901. He left Manila October 16, 1901. This leave, under the provisions of the act of March 2, 1901, supra, took effect on reaching the United States, which was December 23, 1901. By Special Orders, No. 13, dated Adjutant-General's Office, January 16, 1902, he was ordered on the expiration of his leave to take station in New York City.

His regular station until the expiration of his leave of absence was Manila.

The only question to be decided is, Whether the period he was on a Government transport en route to the United States, on which he was furnished stateroom accommodations, he was entitled to draw commutation of quarters, the same as if he had been at his regular station at Manila.

I take it for granted that Captain Lawton was properly in receipt of commutation of quarters at his station at Manila, and this being so, under the Army Regulations, *supra*, he was clearly entitled to commutation of quarters for the period of his ordinary leave in the United States.

The officer's status between the date that he left Manila and the date of his arrival in the United States is not entirely clear, but it would seem to be the same as for it was after his arrival in the United States, namely, that of an officer on an ordinary leave of absence, which, under the act of March 2, *supra*, was not to be counted against him in making up his leave record. Such absence was by the same authority as that which the officer had after his arrival in the United States.

It was held in a decision of this office, dated January 16, 1902 (8 Comp. Dec., 450), that—

"Quarters, in the sense of the laws and regulations providing therefor for the officers of the Government entitled thereto, are something more than a room at a hotel. They are his home. The officer having them is in their occupancy when temporarily absent therefrom just as when he is personally and physically present in them. His belongings are in them. They are his rooftree and castle. Their need is of the same kind during his temporary absence from them, of a lesser degree only than when he is in the personal occupation of them, in the sense of his body being present in them. I occupy my home and need its use while at my office preparing this decision in no different sense than when I am under its roof. Its need under these different circumstances is one of degree and not of kind. The commutation of quarters must be treated the same as if quarters in kind were assigned and in use by the officer. The commutation represents the thing commuted.'

The mere fact that an officer was furnished stateroom on a boat while on ordinary leave of absence or proceeding to a place where leave of absence proper is to begin, the officer's station not having been changed, will not, in my opinion, operate to deprive him of his commutation allowance at his regular station, for if such were the case it reasonably follows, I think, that in any case where an officer is ordered to a certain place for temporary duty, and is entitled to mileage for the journey to such place (mileage being in the nature of a reimbursement for railroad fare, sleeping-car fare, cost of meals, etc., while traveling), his right to commutation of quarters at his station for the time he occupies the car in traveling would likewise be defeated. Such a construction is certainly not in harmony with the theory of the law and regulations on this matter.

I am of the opinion that for all the time Captain Lawton was away from his regular station under the orders granting him a leave of absence he is entitled to the regulation allowance for commutation of quarters.

You are authorized to so pay him.

Captain Lawton's letter with Lieutenant-Colonel Dodge's indorsement thereon is herewith returned to you.

R. J. TRACEWELL, *Comptroller.*

(*Pars. 1491 and 1492, A. R.*)

Indian scouts employed under act of August 12, 1876. So long as scout is employed and horse and horse equipments furnished, his allowance of 40 cc day continues during his temporary absence from duty under proper authority.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, April 29, 1902.

The Auditor for the War Department has reported for approval, disapproval, or modification a decision making an original construction of a statute, as follows:

"In the examination of the disbursing accounts of Maj. Charles Newbold, paymaster, United States Army, the question arises as to whether or not an Indian scout who furnished his own horse and horse equipments during service is entitled for the period he is on furlough to 40 cents per day for use and risk of such horse and horse equipments under the provisions of the act of August 12, 1876 (19 Stat., 131), being an act entitled 'An act concerning the employment of Indian scouts,' and providing as follows:

"'That so much of the Army appropriation act of twenty-fourth July, eighteen hundred and seventy-six, as limits the number of Indian scouts to three hundred is hereby repealed; and sections ten hundred and ninety-four and eleven hundred and twelve of the Revised Statutes, authorizing the employment of one thousand Indian scouts, are hereby continued in force: *Provided*, That a proportionate number of noncommissioned officers may be appointed. And the scouts, when they furnish their own horse and horse equipments, shall be entitled to receive forty cents per day for their use and risk so long as thus employed.'

"The construction and application of this statute by the Pay Department of the Army has not been uniform, and I have not found an authoritive decision of the accounting officers on the subject.

"By the act of August 12, 1876, *supra*, provision is made for the 'employment' of Indian scouts, and when they furnish their own horses and horse equipments, for payment of 40 cents per day for their use and risk so long as 'thus employed.' It is evident the term 'thus employed' in the act refers to the employment of the scout and not the horse, and the evident purpose was to add to the allowances of the scout for such period of his employment as he furnished his own horse and horse equipments 40 cents per day, whether on duty or absent with authority. The 40 cents per day appears to be as much an allowance as his clothing allowance, and so long as he furnished his own horse and horse equipments he would appear to be entitled to the allowance of 40 cents per day as much as he is entitled to his clothing allowance for the same period.

"I am of the opinion and so decide that under the act of August 12, 1876, an Indian scout who furnishes his own horse and horse equipments is entitled to 40 cents per day for their use and risk so long as the scout is employed and the horse and horse equipments are furnished, and that the allowance continues while the scout is temporarily absent from duty under proper authority."

The decision of the Auditor is approved.

R. J. TRACEWELL, *Comptroller.*

(*Par. 558, A. R.*)

[G. O. 155, Nov. 27, 1901.]

The following order has been received from the War Department:

WAR DEPARTMENT, *Washington, November 27, 1901.*

With a view to maintaining the high standard of instruction and general training of the officers of the Army and for the establishment of a coherent plan by which the work may be made progressive, the Secretary of War directs that the following general scheme be announced for the information and guidance of all concerned:

THE SYSTEM OF INSTRUCTION.

There shall be besides the Military Academy at West Point the following schools for the instruction of officers of the Army:

1. At each military post an officers' school for elementary instruction in theory and practice

2. Special-service schools—

(*a*) The Artillery School at Fort Monroe, Va.

(*b*) The Engineer School of Application, Washington Barracks, D. C.

(*c*) The School of Submarine Defense, Fort Totten, N. Y.

(*d*) The School of Application for Cavalry and Field Artillery at Fort Riley, Kans.

(*e*) The Army Medical School, Washington, D. C.

3. A General Service and Staff College at Fort Leavenworth, Kans.

4. A War College for the most advanced instruction at Washington Barracks, D. C.

The War College shall be under the immediate direction of a board of five officers detailed from the Army at large and the following ex officio members:

The Chief of Engineers.

The Chief of Artillery.

The Superintendent of the Military Academy.

The commanding officer of the General Service and Staff College.

The War College Board shall exercise general supervision and inspection of all the different schools above enumerated and shall be charged with the duty of maintaining through them a complete system of military education, in which each separate school shall perform its proper part. Such officers as shall be requisite to assist the board in performing its duties will be detailed from time to time for that purpose. It should be kept constantly in mind that the object and ultimate aim of all this preparatory work is to train officers to command men in war. Theory must not therefore be allowed to displace practical application.

The officers' schools at military posts and the General Service and Staff College will be open for instruction to officers of the National Guard of the several States, to former officers of volunteers, and to graduates of military schools and colleges which have had officers of the Army as instructors.

The special-service schools will be open to officers of the National Guard and former officers of volunteers who shall furnish evidence to the War Department of such preliminary education as to enable them to benefit by the courses of instruction.

The college staff at the General Service and Staff College, Fort Leavenworth, will make report for the information of the Secretary of War of qualifications of officers of the National Guard, ex-volunteers, and graduates of military schools and colleges who shall have attended the college or shall apply for examination, and shall further certify whether or not they are qualified for service as officers of volunteers, specifying the character of service, whether line or staff, for which they are specially qualified. A special register of the names of persons so reported as qualified will be kept in the War Department.

A register shall also be kept in the War Department in which shall be entered the names of officers of the Regular Army below the grade of colonel, as follows:

(*a*) Officers who have heretofore exhibited superior capacity, application, and devotion to duty, the names to be selected by a board of officers to be convened for that purpose.

(*b*) Officers who shall be reported as doing specially meritorious work in the above-mentioned schools other than the officers' schools at posts.

(*c*) Officers who at any time specially distinguish themselves by exceptionally meritorious service.

It will be the aim of the Department to make this register the basis of selection for details as staff officers, military attachés, and for special service requiring a high degree of professional capacity.

OFFICERS' SCHOOLS AT POSTS.

5. No officer of the line shall be excused from the work connected with the officers' school at any post, except under such circumstances as would exempt him from any other duty. The commanding officer, subject to the usual supervision of

the department commander, shall have immediate charge of the instruction, which, to secure uniformity, will be regulated by special instructions issued by the War Department. These instructions may be changed from time to time as experience may develop the necessity therefor.

Systematic recitation will be required ordinarily only from officers of the grade of first and second lieutenant in administration, drill regulations, manual of guard duty, small-arms firing regulations, troops in campaign, minor tactics, military law, field engineering, military topography and sketching, international law, hippology (for cavalry and field artillery), a general knowledge of methods, materials, and implements essential to coast defense (for coast artillery).

All captains of the line of less than ten years' service, except those possessing diplomas as graduates of the Infantry and Cavalry School at Fort Leavenworth, Kans., or the Artillery School at Fort Monroe, Va., will be required to qualify in the course herein prescribed.

Every officer will be required to fit himself thoroughly for the responsible duties of his grade, and to that end commanding officers will afford ample opportunities to each one taking the course to familiarize himself practically with post and company administration, the duties of quartermaster, commissary of subsistence, ordnance officer, etc. To that end officers will in turn be assigned to duty as assistants to the post staff officers for such periods as the commanding officer may deem necessary to acquaint them with the various duties.

Thoroughness should be the guiding principle in this instruction, which is intended to be carried on from year to year. No more will be undertaken than can be thoroughly completed during the school season.

At the close of each school season every commanding officer will appoint a board of competent officers to examine each officer as to his proficiency in the subjects completed during the course. Whenever a board certifies to the proficiency of an officer in any subject and the proceedings are approved by the commanding officer a statement to that effect shall be entered in the post records, a copy of which shall be furnished to the officer concerned and which shall entitle him thereafter to be excused from further recitation in that particular subject.

Whenever the number of officers in any garrison is so small that a sufficient number can not be secured to conduct the examinations of officers who have pursued any portion of the course laid down for their instruction, the examinations will be deferred until opportunity occurs for ordering them to appear before a proper board. Department commanders are authorized to order officers to adjacent posts for the purpose of examination, or to order specially qualified officers from adjacent posts to complete the number required for an examining board, which shall in all cases consist of three members. Those officers who exhibit the most aptitude and intelligence in the course pursued will be reported to their respective regimental or corps commanders with a view to their detail at the General Service and Staff College at Fort Leavenworth, Kans., for further instruction.

Those who fail to acquire a proper degree of efficiency in any subject will be required to repeat the course, and in the event of a second failure special report will be made by the commanding officer with a view to its consideration by the board which may be thereafter designated to examine the officer as to his fitness for promotion.

THE GENERAL SERVICE AND STAFF COLLEGE.

6. The Infantry and Cavalry School at Fort Leavenworth, Kans., shall be enlarged and developed into a general service and staff college, and shall be a school of instruction for all arms of the service, the designation of which shall be "The General Service and Staff College," and to which shall be sent officers, preferably of the grade of lieutenant, who have been recommended for proficiency attained in the

officers' schools conducted in the various posts. The college will be opened September 1, 1902, and for the present the instruction will be limited to a period of one year, and such additional time as may be necessary to complete the annual maneuvers which it is contemplated shall be carried out each autumn conjointly with such garrisons as may be assembled for the purpose. The permanent garrison for the General Service and Staff College will consist of four companies of engineers, four troops of cavalry, three batteries of field artillery, twelve companies of infantry, a band, Signal Corps detachment, Hospital Corps detachment, post noncommissioned staff, and such field officers, instructors, and student officers, in addition to those belonging to the organizations serving at the post, as may be ordered from time to time.

In order that the accommodations of the post may be utilized to their fullest capacity in the immediate future for student officers, instructors will as far as practicable be detailed from officers on duty with troops composing the garrison. In order that these details may not unduly deplete the quota of officers necessary for duty with organizations at the posts officers pertaining thereto who are on detached service may be relieved or transferred, so that as nearly as possible a full complement may be present at all times. Officers possessing special qualifications as instructors will be detailed as heretofore.

Upon the conclusion of the annual examinations the college staff will recommend such student officers as have especially distinguished themselves for further instruction in the War College. Such recommendations will make mention of any special qualifications or attainments of individual officers.

A board of officers will be convened prior to the date fixed for opening the college to establish a theoretical and practical course to be pursued, and thereafter the college staff will make recommendations for such amendments or changes, from time to time, as experience may dictate as desirable.

THE ARMY WAR COLLEGE.

7. A college is hereby established for an advanced course of professional study for army officers, to be known as the Army War College. Such buildings and grounds as may be available and necessary will be assigned to its use on the reservation at Washington Barracks, D. C.

The executive head of the college will be an officer of the Army, not below the grade of field officer, who will be known as the president of the Army War College, and will preside over the War College Board. A course of instruction embracing the higher branches of professional study will be arranged by the board, and this board will also prepare and submit for the approval of the Secretary of War such regulations for the government of the college as it shall deem necessary.

The officers to be detailed to pursue the course at the War College will be of two classes:

(*a*) Those who have been recommended as distinguished graduates of the General Service and Staff College.

(*b*) Such field officers and captains as may be specially designated by the War Department for instruction.

It is intended that the officers who have uniformly shown the greatest interest and most proficiency in the theoretical and practical courses prescribed for the officers' schools at posts, the General Service and Staff College, and the War College shall have high consideration of the War Dapartment, with a view to the utilization of their abilities as military attachés, or on special missions abroad, and for the higher duties of general staff work.

SERVICE SCHOOLS.

8. The Artillery School at Fort Monroe, Va., the School of Application for Cavalry and Field Artillery at Fort Riley, Kans., the Engineer School of Application at

Washington, Barracks, D. C., and the School of Submarine Defense, Fort Totten, N. Y., will be conducted under special regulations promulgated from time to time for their government.

No detail to any of the above-mentioned schools or boards shall continue more than four years, nor shall any officer be permitted to pass from one school to another without an intervening tour of service with troops proportionate to the period of his previous school service.

Careful study and consideration of what has been accomplished in the past and what appears to be desirable for the future leads to the conclusion that the system of training for officers should begin with a course at each post and thence to the General Service and Staff College, from which the distinguished graduates should be sent for the higher instruction contemplated in the Army War College. Especial attention will be paid to the record made by individuals at each step of this progressive course, in order that those most deserving shall be given further opportunity for perfecting themselves in the profession of arms, and in order that the nation may have at all times at its disposal a highly trained body of officers and may know who they are.

It will require time and experience to bring the details of this progressive scheme to perfection, but the Secretary of War indulges the hope that the hearty sympathy and cooperation of all officers of the Army will be enlisted, to the end that full success may be attained.

ELIHU ROOT, *Secretary of War.*

(*Art. I, A. R.*)

[Cir. 4, Jan. 16, 1902.]

* * * * * * *

The Secretary of War directs that hereafter disbursing officers engaged in making frequent purchases and contracts will before the commencement of a fiscal year request general authority to advertise for the ensuing fiscal year. Such authority will be granted to the office, not to the officer. Accounts for publishing advertisements will be submitted for audit, in accordance with paragraph 585 of the Regulations, as soon as practicable after their receipt from the publisher or proprietor of the newspaper in which the advertisement was published.

(*Pars. 581 and 585, A. R.*)

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[Cir. 31, Aug. 31, 1901.]

By direction of the Acting Secretary of War, the following decision of the Judge-Advocate-General of the Army, dated August 22, 1901, and approved by the Acting Secretary of War on August 23, 1901, is published to the Army for the information and guidance of all concerned:

Purchases after less than ten days' notice no longer fall within the description of "emergency purchases" as that term is used in the act of March 2, 1901, and as such need not be entered in the report required to be submitted to the Secretary of War by paragraph 648 of the Army Regulations of 1901.

(*Par. 596 and 648, A. R.*)

[G. O. 133, Oct. 11, 1901.]

By direction of the Secretary of War, the provisions of all general orders and circulars heretofore issued from this office relating to the subsistence of recruits and recruiting parties which are not embodied in the Army Regulations of 1901, or in

General Orders, No. 130, October 3, 1901, are hereby revoked, and the following instructions, supplemental to the provisions of the Regulations on the subject, are published for the guidance of all concerned:

1. Upon the arrival of a recruiting officer at a city or town where he is to establish a recruiting station, he will at once make inquiries at the available places in the neighborhood of the station as to the prices at which meals for his party can be obtained, and will procure them, of proper quality, by open purchase at the most reasonable rates until he can advertise for proposals by means of Form No. 28, Subsistence Department.

2. This advertisement (Form No. 28) will be distributed to probable bidders and be posted in public places for ten days before the opening of bids. A copy, with a list of persons to whom distributed entered on the first fold, will be at once mailed to the Commissary-General. If the notice was for a period of less than ten days the reason why a longer period was not allowed will be stated on that fold.

3. When the recruiting officer has made award he will sign the acceptance and furnish the successful bidder with a copy of the same.

4. The commanding officer of a garrisoned post at which an officer has been designated as a recruiting officer will assign all recruits to companies for rations and all proper subsistence expenses incurred in connection with their enlistment or the forwarding of them to destination will be paid by the post commissary on the order of the commanding officer.

5. If the money value of the articles sold to a recruit under paragraph 1431 of the Regulations be not collected before he leaves the recruiting station, post, or rendezvous, it will be noted on his descriptive and assignment card in order that it may be withheld by the paymaster at the first payment after the recruit joins his company.

6. Recruiting officers not stationed at garrisoned posts will obtain subsistence funds for advancing commutation of rations, paying coffee money to recruits, and paying vouchers for meals furnished, etc., by written requests upon the chief commissaries of departments in which they are respectively recruiting.

7. In drawing checks against subsistence funds placed to their credit in subtreasuries or depositories recruiting officers will add after their names their rank and the designation "Commissary," simply, thus: "Henry Bell, Lieut., Commissary."

8. Each voucher paid by recruiting officers from subsistence funds held in their personal possession under paragraph 665 of the Regulations will have noted thereon their check (by number and date, and the name of the depository on which drawn) from the proceeds of which the money in personal possession arose. The number and amount of each of the vouchers so paid will be noted on the stub of the check or on a schedule attached thereto.

9. Recruiting officers will pay in person to each recruit the commutation of rations or coffee money to which he may be entitled, or will cause it to be conveyed to him only by the hand of a commissioned officer.

10. Referring to the provisions of paragraphs 1411 and 1412 of the Regulations, attention is called to that provision of the contract for meals (Form No. 28, Subsistence Department) which stipulates that lunches shall be furnished when required. These lunches (cooked rations) are intended for the use of recruits traveling.

11. A recruiting officer not stationed at a garrisoned post will, if he is furnished with funds, make payment of all subsistence accounts. If not so furnished, he will send the vouchers, prepared on Form No. 8 when for subsistence stores, and on Form No. 11 when for meals—the certificates thereon being properly modified—to the chief commissary of the department in which his station is located, or to such other officer as may be directed to make the payments.

12. The following paragraphs of the Army Regulations of 1901 are the principal ones relating to the duties of recruiting officers in the matter of the subsistence of recruits: 665, 1388, 1411, 1412, 1413, 1414, 1415, and 1431; also 1404½ and 1413½, pub-

lished in General Orders, No. 130, October 3, 1901, from this office. Paragraph IV of General Orders, No. 130, October 3, 1901, from this office, also relates to the subject.

(*See citation of paragraphs, Army Regulations, herein.*)

[G. O. 110, Aug. 19, 1901.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

1. An officer to whom an official check book is issued by the Treasurer or an assistant treasurer of the United States will at once receipt for it to the Treasurer or to the assistant treasurer from whom it was received.

2. An officer relieved from duty as a disbursing officer and having a check book on the Treasurer or an assistant treasurer in his possession will cut from the book the stubs used by him (to be filed with his retained papers), and will transfer the unused checks and stubs to his successor, taking a receipt therefor in duplicate, which shall describe the unused checks by their serial numbers, one copy of which will be transmitted by the officer relieved to the Treasurer or to the assistant treasurer by whom the check book was originally issued. If there be no successor the book of unused checks and stubs, after the used stubs have been removed, will be at once returned to the Treasurer or assistant treasurer by whom originally issued, with a letter describing the serial numbers of the unused checks so returned and a receipt obtained therefor. Before transferring any check book the transferring officer will first examine the unused checks to see that there is no break in the serial numbers showing that checks are missing.

3. An officer who, for the convenience of any disbursing officer, detaches any blank checks and stubs from the check book on the Treasurer or any assistant treasurer in his possession, will take the receipt of such disbursing officer in duplicate for such checks by serial numbers and transmit one copy of the same in the manner directed in the preceding paragraph.

4. Under no circumstances will unused check books or blank checks taken from check books on the Treasurer or an assistant treasurer be kept for an unreasonable time in the possession of any disbursing officer of the War Department. If at any time his credit with the Treasurer or an assistant treasurer becomes exhausted, and there is no reasonable expectation that money will be placed to his credit at an early day, he will transfer his check book or checks to the Treasurer or assistant treasurer in the manner directed in the second paragraph hereof. If he has notice of a remittance, or a reasonable expectation that money at an early day will be placed to his credit, he will upon his deposit becoming exhausted, inform the Treasurer or assistant treasurer of such notice or of such expectation and renew the advice to the Treasurer or assistant treasurer semimonthly until the remittance is received or until the check book or checks are transferred.

5. The correctness of any erasure or alteration made by a disbursing officer on any check drawn by him will be certified to by him across the face of the check.

6. Mutilated or spoiled checks on the Treasurer or any assistant treasurer will be forwarded monthly, under cover of a letter describing the checks, to the Treasurer or assistant treasurer by whom issued.

7. In the interest not only of the disbursing officer himself, but of the Treasurer, the assistant treasurer, and innocent takers of checks made out on the official blank-check forms, the greatest care will be exercised by disbursing officers in the custody of official check books. They will be kept under lock and key when not in use, and the serial numbers of the unused checks will be frequently examined to see that no check in the series is missing.

(*Pars. 678 and 687, A. R.*)

[G. O. 1, Jan. 8, 1902.]

* * * * * * *

By direction of the Secretary of War, only the purchasing commissaries at New York and San Francisco, and the depot commissary at Manila, P. I., will avail themselves of the foregoing relaxation of the law granted by the Secretary of the Treasury as to rendition of money accounts during the calendar year ending December 31, 1902; all other money accounts in the Subsistence Department will be rendered within ten days after the close of the month, as required by paragraph 709 of the Regulations as amended in General Orders, No. 160, December 11, 1901, from this office.

(*Par. 709, A. R.*)

[Cir. 12, Apr. 8, 1901.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Hereafter persons before whom depositions of civilian witnesses are taken for use before courts-martial will be paid the fees allowed by the law of the place where the depositions are taken.

(*Par. 731, A. R.*)

[Cir. 14, Apr. 23, 1902.]

By direction of the Acting Secretary of War, the following letter from the Comptroller of the Treasury, showing his construction of Treasury Department Circular No. 120, of October 30, 1887, describing the method of reimbursing one department, bureau, or office for services rendered or supplies furnished by another department, bureau, or office, is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, April 7, 1902.

The honorable the SECRETARY OF THE NAVY.

SIR: I have received your letter of the 25th ultimo in regard to the modification or abrogation of Treasury Circular No. 120, of October 30, 1887, governing the payment for services or supplies furnished by one department, bureau, or office to another department, bureau, or office.

On January 27, 1902, I forwarded to you a copy of a letter on this subject addressed by me to the Secretary of War, in which I stated that I would be pleased to consider any statement or suggestion which you might wish to make after answering what was said therein, and you accordingly inclose a letter from the Paymaster General of the Navy, dated the 22d ultimo, in which the subject is thoroughly reviewed, and renew your request made in a former letter—

"that either an interpretation of the circular in question consistent with present practice or a simple modification thereof be made that will permit of the continuance of the method of making payment of supplies received from other departments of the Government, particularly the Ordnance and Quartermaster's departments of the Army, now recognized in practice by both departments."

The circular in question is as follows:

"Hereafter vouchers for services or supplies furnished by one department, bureau, or office to another department, bureau, or office must be sent directly to the Treasury Department for settlement, or the amount deposited to the credit of the proper appropriation, taking triplicate certificates of deposit for the same, one of which must accompany the voucher."

The Paymaster-General, referring to the interpretation of the second clause of the circular made by me in my letter to the Secretary of War, *supra*, says:

"The Comptroller is of opinion that the deposit to the credit of the appropriation should be made by the officer who makes the payment for the supplies transferred. The circular itself, however, does not so state; and it is not unreasonable to assume that had such been the intention when the circular was prepared, clear expression would have been given to that requirement. And it seems to this bureau that the requirements of the circular are fully met by the deposit by the officer who parts with the supplies to the credit of the proper appropriation of the money received in payment."

I can not agree with the Paymaster-General that the circular does not state that the deposit to the

credit of the appropriation must be made by the officer who makes the payment for the supplies transferred, but on the contrary I think that this is done, if not in exact words, at least by necessary implication. Nor can I agree with him that the requirements of the circular will be fully met if the officer who parts with the supplies receives the money and thereupon deposits it to the proper appropriation. An officer of the United States having moneys of the United States in his hands or possession not required for immediate expenditure is required by general law to deposit the same in the Treasury, and no circular was needed to enforce the requirement. It seems obvious that the circular is addressed primarily to the buying officer and is intended to prevent him from making direct payments to the selling officer by requiring him either to send the account direct to the Treasury Department for settlement or to himself make the deposit to the proper appropriation.

It has been a long-continued and well-recognized practice for one department, bureau, or office to furnish supplies to another and to charge for the same as though furnished by private parties. Such transactions are in effect sales so far as concerns the adjustment of the appropriations and accounts involved, although not sales within the meaning of section 3618 of the Revised Statutes, requiring the proceeds of sales to be covered into the General Treasury, the title to the property still remaining in the United States and the proceeds still belonging to the appropriation from which it was bought. The former general practice was for the buying officer to pay directly to the selling officer the value of the property bought, taking his receipt therefor, which made a voucher to his cash account. The money received by the selling officer was thereupon, if properly disposed of, to be deposited by the selling officer to the credit of the appropriation from which the supplies were originally bought. It frequently happens, however, that the accounts of the buying officer were settled by one Auditor while those of the selling officer were settled by another, so that the Auditor who credited the buying officer with the payment made by him could not readily know whether the money received by the selling officer was in fact deposited by him. With some of the Auditors, and perhaps with all, it was the practice not to credit the buying officer with the payment until a warrant had issued showing that the selling officer had deposited the money to the proper appropriation, although the former had a proper receipt for the payment made by him.

To obviate these difficulties and delays Circular No. 120 was issued.

The first clause prescribes that no payment shall be made, but that the account shall be sent to the Treasury Department for settlement. If this is done a transfer between the appropriations is made and the cash accounts of neither officer are involved. The other alternative, which is the one objected to, provides a means by which the cash accounts of only the buying officer are affected when he deposits, from an appropriation which has been advanced and charged to him, the price of the articles bought to the credit of the appropriation from which they were originally bought. This obviates any direct payment to another officer of any public money, and eliminates the cash accounts of the selling officer from the transaction, and it would appear at first glance to be a distinct gain in simplicity and accuracy of accounting over the former practice.

From the foregoing it will be readily seen that to adopt the construction of the circular contended for by the Paymaster-General, or to modify it by permitting payment to be made to the selling officer, which in effect amounts to the same thing, would be to abrogate the circular and to return to the practice which it was intended to supersede.

The Paymaster-General states:

"Such (meaning thereby a practical continuance of the former practice) has been the practice in matters under the cognizance of this Bureau, and it has many advantages over any other. For instance: (*a*) Payment may be made with facility even though the officers buying and selling respectively are serving under such conditions as to preclude meeting for the purpose, either in person or by deputy. (*b*) The deposit will be made by the officer familiar with the subject, and under the proper appropriation to be credited. (*c*) This method complies with the wish already expressed by the Secretary of the Treasury and quoted in previous correspondence in Bureau's indorsement of January 10 relating to this phase of the question then under consideration."

It appears to me that it was the very facility with which the money was passed from hand to hand and the difficulty of tracing it beyond the first payment which led to the issuance of the circular, and it would seem that the correspondence in regard to the transaction between officers serving under such conditions as to preclude meeting would readily furnish all information necessary to lead to the deposit of the amount to the proper appropriation. Furthermore, without questioning the action of the Secretary of the Treasury in apparently waiving the requirements of the circular in the particular case referred to, I am unable to see in his action any intention to abrogate it entirely, if indeed his action may not have been based upon a similar misconstruction of or a failure to consider the circular.

The Paymaster-General further states:

"It will be noted from the correspondence between the Auditor for the War Department and Surgeon-General of the Army, as quoted in the Comptroller's letter of January 25, that the Auditor distinctly recognizes the method of the Navy in making payment to the Ordnance Department of the Army as perfectly legitimate under the requirements of the circular, and compliance with the same rule was all he insisted upon in the case then under consideration. The Auditor for the Navy has long recognized the same practice, and no objection has ever before been raised to similar payments to the Ordnance Department of the Army involving hundreds of thousands of dollars. Possibly the Secretary of the Treasury, in the correspondence previously quoted and referred to above, meant to

indicate that this method now practiced by both departments is the correct interpretation of the meaning of the circular under consideration. If not, then it would seem the very fact that the Treasury Department finds this method more convenient than that indicated by the Comptroller's interpretation of the circular is the strongest possible argument for the modification of the circular."

The whole trouble in ths case appears to be that circular No. 120 has not been lived up to in all cases, owing doubtless in most cases to a misconstruction of what I must hold to be its plain provisions, and perhaps in some cases to want of knowledge of the circular. It was issued in what was believed to be the best interest of public accounting, but if it has failed to demonstrate its usefulness, or if its operation is found to be burdensome and unnecessary, it should be abrogated. I do not think that any general construction which would not amount to a practical abrogation can possibly be made, since its primary object is to prevent the very thing contended for by the Paymaster-General, namely, payments by one officer of the Government directly to another for services or supplies furnished by one department, bureau, or office to another. I must therefore decline, as at present advised, to modify or to construe differently the circular in question.

Respectfully,

R. J. TRACEWELL, *Comptroller.*

(*Par. 753, A. R.*)

[Cir. 13, Apr. 4, 1902.]

The attention of the Secretary of War having been called to the numerous losses of revolvers and small arms occurring in the service, he directs that officers responsible for this property exercise greater care in preventing such losses; they will be held pecuniarily responsible for the same in all cases in which it can not be shown clearly that every possible precaution was taken.

(*Par. 764, A. R.*)

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[G. O. 14, Feb. 10, 1902.]

The following order has been received from the War Department:

CIRCULAR.

WAR DEPARTMENT, *Washington, January 28, 1902.*

The following order of the President to the War Department is published for the information and guidance of all concerned:

"The attention of the departments is hereby called to the provisions of the laws giving preference to veterans in appointment and retention.

"The President desires that wherever the needs of the service will justify it, and the law will permit, preference shall be given alike in appointment and retention to honorably discharged veterans of the civil war who are fit and well qualified to perform the duties of the places which they seek or are filling.

"THEODORE ROOSEVELT.

"WHITE HOUSE, *January 17, 1902.*"

By order of the Secretary of War.

JOHN C. SCOFIELD, *Chief Clerk.*

(*Par. 808, A. R.*)

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[Cir. 26, July 24, 1901.]

By direction of the Acting Secretary of War, the following is published for the information and guidance of all concerned:

The Secretary of War considers that the interests of the service require that employees at large in the Department must be subject to orders in regard to transfer of station, and a refusal to obey such orders will be deemed a proper and sufficient reason for discharge from the service.

(*Par. 809, A. R.*)

[Cir. 15, May 3, 1902.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, D. C., April 23, 1902.

The Auditor for the War Department, by letter dated April 14, 1902, has reported, under the provisions of section 8 of the act of July 31, 1894 (28 Stat., 208), the following decision for approval, disapproval, or modification:

"In the examination of the claim (File No. 55138: Claim No. 139263) of the Pennsylvania Railroad Company for the sum of $93.85 as compensation for the transportation of two clerks from Washington, D. C., and York, Pa., to Ogden, Utah, en route to San Francisco, Cal., and Manila, P. I., the question arises as to whether said claim is payable from the appropriation 'Ordnance Service, 1901' (31 Stat., 216), or from the appropriation 'Transportation of the Army and its supplies, 1901' (31 Stat., 213).

"The claim is based on two transportation requests issued by the depot quartermaster in this city in December, 1900, on the authority of the Chief of Ordnance, U. S. Army, dated December 3, 1900, in order that the aforesaid clerks might proceed to Manila, P. I., and report to the chief ordnance officer, Division of the Philppines, for duty.

"The act of May 26, 1900, in making an appropriation for the transportation of the Army and its supplies during the fiscal year 1901 provides for the transportation of the Army, including the transportation 'of the necessary agents and employees.' This provision did not in express terms limit the necessary agents and employees to those of the Quartermaster's Department of the Army. As the appropriation was available for the transportation of the Army, including the necessary agents and employees, it seems obvious that it was available for the necessary agents and employees in all branches of the military service and not limited to those in one branch of said service.

"The Chief of Ordnance states that it is believed that the words quoted refer only to the civilians in the employ of the Quartermaster's Department of the Army. He also states that the authority under which the Ordnance Department of the Army pays the traveling expenses of its civilian employees at arsenals and armories is paragraph 819 of the Army Regulations of 1901. He therefore holds that the cost of transportation furnished the aforesaid ordnance employees should be paid from the appropriation 'Ordnance service, 1901.'

"The act of May 26, 1900, in making an appropriation for the current and incidental expenses of the ordnance service during the fiscal year 1901 does not make provision in express terms for the cost of the transportation of the employees of the Ordnance Department of the Army at arsenals and armories.

"Section 1133 of the Revised Statutes provides in part as follows:

"'It shall be the duty of the officers of the Quartermaster's Department, under the direction of the Secretary of War * * * to furnish means of transportation of the Army.' * * *

"The Second Comptroller of the Treasury uniformly held that the civilian employees of the Army were a part of the 'troops' of the United States within the meaning of the land-grant and Army appropriation acts. (See sections 356, 1029, 1399, and 1507 of volume 3 of the Digests of Decisions of the Second Comptroller.)

"In section 1399 of said volume he held that the word 'troops' as used in a statute providing that certain railways should be public highways for the use of the Government, free from all toll or other charge upon the transportation of the troops of the United States, should be construed to mean the Army and all persons connected therewith who are paid out of the army appropriation act, and usually called 'civilian employees.'

"In view of the foregoing facts and considerations, I am of the opinion that the cost of the transportation of the aforesaid clerks is properly payable from the appropriation 'Transportation of the Army and its supplies, 1901,' and not from the appropriation 'Ordnance service, 1901.'"

The appropriation for "Transportation of the Army and its supplies, 1901," act of May 26, 1900 (31 Stat., 213), makes provision for the transportation "of the necessary agents and employees" of the Army broad enough in terms to include the transportation of all the necessary agents and employees of the Army.

The appropriation for "Ordnance service, 1901," made by the same act (31 Stat., 216), provides for the incidental expenses of the Ordnance Department. This appropriation is specific enough in terms to include the traveling expenses of the employees of the Ordnance Department necessarily incurred in carrying out the objects of the appropriation.

The Army Regulations of 1901, by paragraph 819, provide that actual traveling expenses of employees at arsenals and armories (cost of transportation included) are to be paid from the appropriations for the service of the Ordnance Department.

If there is any doubt whether the appropriation for the Ordnance Department shall be charged with this expenditure that doubt is resolved by the regulation of the War Department charged with the disbursement of both the appropriations involved.

I am therefore of opinion and so decide that the necessary traveling expenses of the civilian employees of the Ordnance Department for the fiscal year 1901 should be paid from the appropriation for the "Ordnance service."

The decision of the Auditor is therefore disapproved. Settlement of the account above referred to should be made in accordance with this decision.

The papers in the case transmitted by the Auditor are herewith returned.

R. J. TRACEWELL, *Comptroller.*

(*Par. 819, A. R.*)

[G. O. 61, May 1, 1901.]

The following is published to the Army for the information and guidance of all concerned:

The Secretary of War directs that the attention of department commanders and of all officers charged with the duty of making or approving estimates or requisitions for the expenditure of money be called to the importance of careful scrutiny and painstaking to avoid unnecessary expense. The requirements of active military operations always tend toward habits of expense not justified in time of peace. With the gradual disappearance of those military necessities which must be met without regard to cost the Army will be held responsible by the people of the country for a reduction of expenses and a rigid economy. The Secretary desires the assistance of all officers in bringing about this result.

(*Par. 829, A. R.*)

[G. O. 3, Jan. 10, 1902.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

In connection with the instructions calling attention to the importance of careful scrutiny and painstaking to avoid unnecessary expense in making or approving estimates or requisitions for the expenditure of money, as published in General Orders, No. 61, 1901, from this office, it is desired when estimates requiring expenditures of funds for repairs, alterations, or improvements at military posts or elsewhere are submitted that they be accompanied by such statement of existing conditions and the reasons for the necessity for the work as will make clear to the Secretary the facts in the case.

The Secretary will rely upon the department commanders to examine carefully all these estimates passing through department headquarters and to make suitable recommendations in the premises.

(*Par. 829, A. R.*)

[G. O. 70, May 16, 1901.]

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By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Hereafter all communications on official matters from officers of the Army to the Comptroller of the Treasury will be sent through the Adjutant-General of the Army.

(*Par. 853, A. R.*)

[Cir. 25, July 25, 1900.]

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For convenience and uniformity all printed orders and circulars should be the size of the general orders issued from this office and those in manuscript upon letter size paper, leaving a margin of 1¼ inches for binding.

(*Par. 856, A. R.*)

[G. O. 104, Aug. 6, 1901.]

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No job printing for envelopes other than that authorized by A. R., 908, will be allowed, but in order to facilitate business such inexpensive rubber stamps as may be absolutely necessary for use in event of change of station, address, etc., may be provided, thereby effecting a large saving in the event of change of station, address, etc.

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(*Par. 908, A. R.*)

[Cir. 3, Jan. 7, 1902.]

By direction of the Secretary of War, the following instructions are published for the information and guidance of recruiting officers:

1. When a writ of habeas corpus issued by either a Federal or State court is served upon a recruiting officer in the case of any person in his custody, the Adjutant-General will be at once notified by telegraph in order that the Judge-Advocate-General of the Army may be advised in season to insure a proper and timely presentation of the case on behalf of the United States. (Paragraphs 1074 and 1075 of the Regulations.)

2. The numerous applications for the discharge of soldiers on the ground of minority emphasize the necessity for the exercise of the utmost care by recruiting officers to prevent the improper enlistment of such persons, and to this end a strict compliance with paragraph 924 of the Regulations is enjoined upon all recruiting officers, who are charged to give their personal attention to such matters. Extreme caution must be exercised in the cases of young men who claim to be 21 years of age, or a few months over that age, and every such applicant should be rejected under the terms of the regulation cited unless he shall by competent proof remove any doubt as to his being of proper age to enlist. The unsupported statement of the applicant must not be accepted.

When an applicant presents himself for enlistment as a minor the written consent of parent or guardian must not be accepted unless the recruiting officer, after careful and thorough inquiry, be fully assured of its authenticity, and that the person signing the same has the right to do so, and in no case should the written consent of a guardian be accepted without first ascertaining that such person has been legally appointed to act in that capacity. Whenever practicable, the written consent in case of a minor should be signed in the presence of the recruiting officer.

(*Pars. 924, 1074, and 1075, A. R.*)

[G. O. 63, May 3, 1901.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The act of Congress approved February 2, 1901, authorizing the appointment of "contract surgeons," and that term being also employed in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1902, the term "acting assistant surgeon," as applied to physicians employed under contract with the Surgeon-General, will be discontinued and the designation "contract surgeon, U. S. Army," will be used in all orders and official correspondence, and contract surgeons will use that term in affixing all official signatures.

(*Par. 940, A. R.*)

[Cir. 35, Oct. 7, 1901.]

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By direction of the Acting Secretary of War, and in order to promote efficiency in the vaccination of recruits, the following directions will be observed by medical examiners in carrying into effect the requirements of paragraph 942 of the Regulations of 1901:

1. Sterilize the area to be vaccinated—usually the outer aspect of the left arm at or near the insertion of the deltoid—by thoroughly scrubbing with soap and water, using a scrub brush and following with alcohol. The skin should be permitted to dry by evaporation.

2. Scarify the arm within the sterile area at three points not less than an inch from one another. This should be done with a sterile needle or lancet by making several fine parallel scratches and cross scratches. These should be only deep enough to slightly redden the surface.

3. Apply the lymph from tube or point, spread it over the scarified surface with a suitable sterile instrument, allow to dry, and then cover with sterile protective dressing.

(*Par. 942, A. R.*)

[G. O. 46, May 23, 1902.]

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II. By direction of the Secretary of War, all organized troops en route for service in the division of the Philippines will, prior to departure from their respective stations, be furnished with certificates that they have been inspected and are protected against smallpox, in order to assist the medical authorities in San Francisco, Cal., in determining the necessity of detention and observation there.

No recruits will be sent from San Francisco to the division of the Philippines until they have been held under observation long enough to develop any infectious disease to which they may have been exposed prior to enlistment.

(*Par. 948, A. R.*)

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[G. O. 119, Sept. 9, 1901.]

By direction of the Acting Secretary of War, the requirements of Paragraph IV, General Orders, No. 49, April 13, 1900, from this office, prohibiting the turning in of cavalry horses unfit for that service to the Quartermaster's Department for use as team or draft horses, are extended to include artillery horses.

(*Par. 975, Sec. 12, and 1150, A. R.*)

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[Cir. 13, Apr. 15, 1901.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

STATIONERY FOR GENERAL PRISONERS.—The Quartermaster's Department will furnish, upon requisition of officers in charge of general prisoners, such quantities of plain letter paper, envelopes, and postage stamps as may be required for the use of prisoners but limited to the number of letters permitted to be written by them under

paragraphs 26 and 27 of special rules published in General Orders, No. 55, of 1895, from this office. Applications for clemency will be treated as official mail matter.

The paper, envelopes, and postage stamps will be expended upon the certificate of the officer in charge, approved by the post commander.

(*Par. 1011, A. R.*)

[Cir. 20, June 15, 1901.]

REMISSION AND MITIGATION OF COURT-MARTIAL SENTENCES.—Under the one hundred and twelfth article of war it is held that a department commander may remit or mitigate, in his discretion, the unexecuted sentences of enlisted men under his command, notwithstanding the court which awarded them was convened and the sentences approved by the commander of another department.

(*Par. 1017, A. R., and Art. of War, 112.*)

[Cir. 38, Oct. 19, 1901.]

* * * * * * *

Fees of witnesses before general court-martial, under act March 2, 1901. 1. Persons summoned from beyond the State, district, or Territory in which the general court-martial is held are not punishable if they refuse to appear or testify when summoned, nor are their fees and mileage required to be paid or tendered in advance. If they appear they are entitled to the usual fees allowed citizen witnesses as prescribed by A. R. 1066 and 1067 and General Orders, No. 43, Adjutant-General's Office, 1901. 2. In the case of persons residing within the limits of the State, district, or Territory where the general court-martial is held, the tender of one day's fees and mileage to and from the court will meet the requirements of the act. 3. If an officer who is charged with serving a subpœna pays the necessary fees and mileage to a witness, taking a receipt therefor, he is entitled to reimbursement.

WAR DEPARTMENT,
PAYMASTER-GENERAL'S OFFICE,
Washington, August 31, 1901.

The COMPTROLLER OF THE TREASURY.

(Through the Adjutant-General of the Army.)

SIR: I have the honor to request your construction of the act of March 2, 1901, entitled "An act to prevent the failure of military justice, and for other purposes" (31 Stat., 950), on the following points:

First. Does the first proviso of said act limit the summoning of witnesses by a general court-martial to persons residing within the State, Territory, or district in which such general court-martial is held?

Second. To what extent must fees be paid or tendered? As a witness obeying a summons would be held before the court not less than one day, would the payment or tender of one day's fees in addition to his mileage to and from the court be such payment or tender as contemplated by the act?

Third. As it might be impracticable for a paymaster to pay or tender these amounts in person, would he be justified in turning over to a third party for disbursement the sums required for payment or tender to witnesses summoned by a general court-martial?

By authority of the Secretary of War:

Respectfully,

A. E. BATES,
Paymaster-General, U. S. Army.

[Third indorsement.]

WAR DEPARTMENT,
JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, September 7, 1901.

Respectfully returned to the Secretary of War. In within letter the Paymaster-General requests the decision of the Comptroller of the Treasury in regard to the construction of the "Act to prevent the failure of military justice," approved March 2, 1901 (31 Stat., 950). * * *

The act referred to by the Paymaster-General is an act to prevent the failure of military justice, resulting from the refusal of civilian witnesses before courts-martial to testify, such courts having no power to punish for contempt, and it makes the refusal of such witnesses to appear, to qualify, or to give evidence before general courts-martial a misdemeanor, punishable "on information in the district court of the United States," by a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court. The first proviso of the act is as follows:

"That this shall not apply to persons residing beyond the State, Territory, or district in which such general court-martial is held, and that the fees of such witness and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or district shall be duly paid or tendered said witness, such amounts to be paid by the Pay Department of the Army out of the appropriation for compensation of witnesses."

This proviso restricts the operation of the act to persons residing within the State, Territory, or district in which the general court-martial is held, so that a person residing beyond such State, Territory, or district would not be punishable under the act for refusal to appear, qualify, or testify. It does not, however, for other purposes, limit the summoning of witnesses to such State, Territory, or district or limit the payment of such fees as may be prescribed by regulations to witnesses summoned within the State, Territory, or district in which the court-martial is held. There is no such limitation in the appropriation, the language of which is, "For expenses of courts-martial, courts of inquiry, and compensation of reporters and witnesses attending the same, twenty thousand dollars." (31 Stat., 901.)

This appropriation, being in general terms, leaves the rates and conditions under which such compensation is to be paid to the discretion of the Secretary of War, or to such regulations as he may prescribe, and under the regulations and practice of the department the payment of fees has not been limited to witnesses residing within the State, Territory, or district in which the court-martial is held.

In regard to the second question, I am of opinion that the payment or tender of one day's fees in addition to mileage to and from the court would meet the requirements of the act.

The third question is purely a fiscal one and no opinion is expressed regarding it.

GEORGE B. DAVIS,
Judge-Advocate-General.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, September 10, 1901.

The honorable the SECRETARY OF WAR.

SIR: By your reference of the 10th instant you request my decision upon a question relating to the manner of tendering fees and mileage to witnesses under the act of March 2, 1901 (31 Stat., 950), to prevent the failure of military justice.

The first section of this act contains the following provisions:

"That every person not belonging to the Army of the United States, who, being duly subpœnaed to appear as a witness before a general court-martial of the Army, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify or produce documentary evidence which such person may have been legally subpœnaed to produce, shall be deemed guilty of a misdemeanor for which such person shall be punished on information in the district court of the United States, and it shall be the duty of the United States district attorney, on the certification of the facts to him by the general court-martial, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars, or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or district in which such general court-martial is held, and that the fees of such witness, and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or district shall be duly paid or tendered said witness, such amounts to be paid by the Pay Department of the Army out of the appropriation for compensation of witnesses." * * *

Your specific question is as follows:

"As it might be impracticable for a paymaster to pay or tender these amounts in person, would he be justified in turning over to a third party for disbursement the sums required for payment or tender to witnesses summoned by a general court-martial?"

I do not think there is any authority of law for the advancement by a paymaster of the Army of public money to another officer, especially to one who is not a disbursing officer. But in 8 Comp. Dec., 43, quoting from the syllabus, it was held that "An officer or employee who makes an expenditure from his own funds for a necessary expense of the Government is entitled to reimbursement therefor."

If, therefore, the officer who is charged with the duty of serving a subpœna on a witness under this act should pay the fees and mileage to which he is entitled, taking a receipt therefor, under this decision he would be entitled to reimbursement.

The paper transmitted by you is herewith returned.

Respectfully, L. P. MITCHELL, *Acting Comptroller.*

INSTRUCTIONS OF PAYMASTER-GENERAL.

A paymaster turning over to an officer who is to serve a subpœna the necessary fees and mileage of the witness should take from the officer a memorandum receipt in duplicate for the amount turned over, the officer to take the receipt of the witness on the usual witness voucher, in duplicate, both of which must be returned to the paymaster. It being impossible to state with certainty the number

of days a witness would be held before the court, and as a witness could not be in attendance less than one day, the law will be complied with if mileage for the journeys to and from the court and one day's fee be paid or tendered. Should the witness be held more than one day the additional fee could be paid daily if demanded, or when finally discharged he could be paid the remainder of his fees.

(*Pars. 1066, 1067, and 1562, A. R.*)

[Cir. 23, July 5, 1901.]

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

Mineral oil or some other cheap and equally efficient agent for the destruction of mosquitoes and their larvæ will be furnished by the Quartermaster's Department upon the usual special requisition, the necessity for the issue to be certified to by the post or camp surgeon, and the oil or other agent to be applied under his personal supervision.

(*Pars. 1108, 1123, and 1668, A. R.*)

[G. O. 82, June 14, 1901.]

* * * * * * *

By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

No malt, vinous, or spirituous liquors will be purchased by the Subsistence Department for any purpose. Supplies thereof needed in medical or hospital practice for use in the diet of soldiers too sick to use the army ration will be provided by the Medical Department.

(*Pars. 1351, 1392, and 1570, A. R.*)

* * * * * * *

[G. O. 157, Dec. 2, 1901.]

By direction of the Acting Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The emergency ration will not habitually be kept on hand by post commissaries in the United States.

In garrisons outside the United States emergency rations when required will be held and accounted for by the post commissary, who will keep in store at least three days' supply for the full strength of the garrison. Should the whole or any portion of the command be ordered on active campaign, emergency rations, in addition to the number of regular rations to be provided, will be issued to organizations on ration returns specially submitted. Upon the return of the command to a garrison the emergency rations which have not been used or charged to enlisted men will be turned in to the post commissary, who will take them up on his return of stores, noting in the proper column of the return from whom received. Should any number have been used by any organization of the command a like number of regular rations will be deducted from the next ration return of the organization. Company and detachment commanders are responsible for the proper care and use of emergency rations carried on the person of the soldier. Emergency rations held on hand by post commissaries for two years will be issued one day in every twenty in substitution of the regular ration until exhausted.

(*Pars. 1377 and 1382, A. R.*)

* * * * * * *

[G. O. 113, Aug. 22, 1901.]

By direction of the Acting Secretary of War, the following regulations governing the Army Nurse Corps are published for the information and guidance of all concerned:

1. Section 19 of the act "to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901, provides as follows:

SEC. 19. That the Nurse Corps (female) shall consist of one superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be one thousand eight hundred dollars per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools, and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses, and of reserve nurses, when on active service, shall be forty dollars per month when on duty in the United States and fifty dollars per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days, with pay, for each calendar year; and when serving as chief nurses their pay may be increased by authority of the Secretary of War, such increase not to exceed twenty-five dollars per month. Payments to the Nurse Corps shall be made by the Pay Department.

DUTIES OF SUPERINTENDENT AND NURSES.

2. The superintendent of the Army Nurse Corps, under the direction of the Surgeon-General of the Army, will have general supervision of the Corps, and her duties and the duties of the chief nurses and nurses shall be as prescribed by the Surgeon-General.

APPLICATIONS FOR APPOINTMENT—QUALIFICATIONS.

3. Applications for appointment in the Army Nurse Corps should be made to the Surgeon-General, and before being placed on the eligible list the applicant must pass the prescribed examinations, as follows:

(*a*) *Physical qualifications.*—A statement of her physical condition will be filled out in her own handwriting and sworn to before a notary public. She will also submit a certificate of health from at least one reputable physician personally acquainted with the applicant. Blanks for these purposes will be furnished by the Surgeon-General.

(*b*) *Moral and professional qualifications.*—The date of her graduation, the moral character of the applicant and her professional qualifications during her period of training and at date of graduation, and, so far as known, at the time of application, will be certified by the superintendent of nurses at the hospital from which she graduated. If she was trained under a former superintendent of nurses, the indorsement of the latter is also desirable. Applicants must have graduated from a training school for nurses which gives a thorough professional education, both theoretical and practical, and which requires two years' residence in an acceptable hospital.

(*c*) *Mental examination.*—Applicants will be required to answer in writing certain practical questions prepared by the Surgeon-General.

(*d*) Approved candidates will be placed on the eligible list for appointment as their services may be required.

(*e*) An applicant will not be placed on the eligible list unless she agrees to serve in the Army for at least three years.

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APPOINTMENT AND DISCHARGE.

4. The appointments and discharges of nurses shall be made by the Surgeon-General, subject to approval of the Secretary of War.

(*a*) Nurses may be discharged from the service (1) at any time when their services are no longer needed, (2) at their own request, supported by good and sufficient reasons, and (3) for misconduct. Recommendation for the discharge of a nurse on account of misconduct will be submitted to the Surgeon-General, with a report of the facts after careful investigation, of which she shall have due notice and at which she shall be given a fair opportunity to be heard in her own defense.

(*b*) The following form will be used in making appointments of nurses to the Army Nurse Corps:

ARMY NURSE CORPS.

WAR DEPARTMENT,
SURGEON-GENERAL'S OFFICE,
Washington, ——, *190—.*

With the approval of the Secretary of War, —— —— is hereby appointed —— —— in the Nurse Corps (female) under the act of Congress approved February 2, 1901, to date from ——, 190—, and will enter upon her duties after taking the oath prescribed by section 1757 of the Revised Statutes of the United States.

—— ——,
Surgeon-General, U. S. Army.

(*c*) Upon honorable discharge from service the following indorsement will be placed on the appointment of the nurse:

—— ——, *190—.*

With the approval of the Secretary of War, honorably discharged from the Army Nurse Corps, ——, 190—.

—— ——, *U. S. Army.*

The authority directing her discharge will be quoted.

ASSIGNMENTS AND DUTIES.

5. Army nurses will be assigned to duty at military hospitals under the direction of the Surgeon-General of the Army. At hospitals where there are two or more nurses serving one will be assigned to duty as chief. Nurses appointed will be required to serve wherever their services may be needed, at home or abroad.

(*a*) The tour of duty without the limits of the United States will usually be at least two years.

(*b*) Nurses can not leave their stations except under orders or when granted a leave of absence.

(*c*) Nurses traveling under orders on transports will assist in the care of officers or enlisted men in need of their services when requested to do so by the attending surgeon.

(*d*) The families of officers are not entitled to the services of army nurses except as provided in paragraph 11 (*e*).

(*e*) A nurse will not receive presents from patients nor from the relatives or friends of patients.

(*f*) After appointment, unless otherwise ordered by the Surgeon-General, a nurse will serve for at least three months in the United States, during which period she will be given special instruction in army nursing.

(*g*) When female nurses are required for service at a hospital the surgeon in charge will make application to the Surgeon-General, through the chief surgeon, for as many as may be needed, stating the circumstances and the necessities of the case.

(*h*) Should there be a surplus of nurses at any hospital the officer in charge will immediately report the fact to the chief surgeon, who will forward the report to the Surgeon-General and ask for instructions. In the Division of the Philippines the

chief surgeon will order surplus nurses to the United States, and direct them to report immediately on arrival in the States to the chief surgeon of the department, who will place them on temporary duty and request instructions from the Surgeon-General.

(*i*) When a nurse is directed to proceed to her home for discharge she will be instructed to report immediately on arrival by letter to the Surgeon-General.

(*k*) Every change in the status of nurses, such as arrival, departure, leaves of absence granted, orders given, death, etc., will be promptly reported to the Surgeon-General through the chief surgeon by the officer in charge, giving Christian names and surnames in each instance. For this purpose information slips may be used.

TRANSFERS.

6. Transfers from one division or department to another will not be made, except by authority of the Surgeon-General, but a chief surgeon may transfer nurses, should the exigencies of the service require it, from one hospital to another within his division or department.

(*a*) Transfers of nurses will be immediately reported to the Surgeon-General, with a full statement of the circumstances in each case and a special efficiency report prepared by the chief nurse.

PAY.

7. The pay and allowances of nurses and reserve nurses when on active service shall be $40 per month when on duty in the United States, and $50 per month when without the limits of the United States.

(*a*) Chief nurses receive the same allowances as nurses. Their pay is regulated as follows: When assigned to duty as chief nurse at any hospital where two or more nurses are stationed they shall receive, in addition to pay as nurse, $5 per month; where five or more nurses are stationed the chief nurse shall receive, in addition to pay as nurse, $10 per month; where ten or more nurses are stationed the chief nurse shall receive, in addition to pay as nurse, $25 per month. In no case shall a nurse be paid more than $75 per month.

(*b*) Nurses will be paid on monthly pay rolls to be furnished by the Pay Department prepared and properly certified by the officer under whom they may be serving, signed by the nurse, and forwarded either to the chief paymaster of the division or department or presented to the paymaster visiting the post for settlement. All payments to a nurse must be noted on her appointment.

(*c*) Discharged nurses will be paid on pay rolls prepared by the officer under whom they may be serving at the date of discharge. The pay accounts of nurses ordered home for discharge will be prepared in the Surgeon-General's Office.

(*d*) When a nurse is under orders to leave her station or is granted a leave of absence the officer in charge of the hospital will indorse on her appointment the date of her departure, with date and source of order, date of last payment, and name of paymaster by whom paid. The date of return to duty will also be indorsed thereon.

TRANSPORTATION.

8. Before starting on a journey at public expense a nurse must receive a written order from proper authority, together with a transportation request for her railway ticket and sleeping car or transport accommodations.

(*a*) When traveling under orders no delay in starting and no stop-over privileges are allowed.

(*b*) Nurses traveling under orders will be entitled to transportation, with sleeping-car accommodations by rail and staterooms on boats, at public expense, under the regulations governing transportation for the Army. They will in all cases be entitled to transportation of 150 pounds of personal baggage. Transportation will be procured

where practicable from officers of the Quartermaster's Department, and in cases where not practicable nurses may pay their own travel fare and include the cost, not to exceed that of first-class limited tickets from initial point to destination without stop-over privileges, in their expense accounts, which must bear certificate that they actually paid the amount as charged and be accompanied by the original or a certified copy of orders upon which they were traveling.

(*c*) A nurse ordered home for discharge from service outside of the United States usually gets transportation to New York or to San Francisco. On arrival in either city she will proceed to the Army Building, where, on presentation of her travel order, she will be furnished transportation to the point designated as her home, which hereafter must be fixed at the time of appointment.

(*d*) Travel to and from points beyond the limits of the United States and between island possessions in all cases where practicable will be by army transport.

(*e*) Transportation will not be furnished for any journey which a nurse may take while on leave of absence.

(*f*) When traveling under orders from competent authority, where any enforced delay occurs from unavoidable causes, a nurse may be allowed $1 per day for lodging at stop-over points en route, to be paid by the Quartermaster's Department.

(*g*) When expenses are incurred as above an itemized account, in duplicate, with date and place of incurrence of each item, will be prepared and attached to Blank No. 13½, Quartermaster's Department, which must be properly filled out, signed by the nurse, and sworn to before a notary. The receipts on the blanks will also be signed by the nurse. When practicable to obtain them duplicate receipts for the items charged will be submitted. When it is impracticable to obtain receipts this fact should be so stated in the affidavit.

QUARTERS.

9. Nurses will be furnished quarters according to accommodations available at each hospital, and where there are several nurses one room or wall tent will be provided as a common sitting room.

(*a*) Sheets, towels, pillowcases, table linen, and other washable articles will be furnished by the hospital for the nurses' use, to be washed as part of the hospital laundry.

SUBSISTENCE.

10. A nurse will receive one ration in kind per day, and when stationed on duty at places where rations can not be furnished she will receive commutation of rations at 75 cents per day.

(*a*) When on leave of absence with pay a nurse will receive commutation of rations at 25 cents per day.

(*b*) When traveling under orders from competent authority a nurse will be allowed commutation of rations at the rate of $1.50 per day. On Government transports nurses will be provided with meals free of charge.

LEAVE OF ABSENCE.

11. The total duration of leave of absence with pay granted a nurse shall not exceed thirty days for each calendar year.

(*a*) An additional leave without pay or allowances not to exceed one month may be granted when the service will permit.

(*b*) The commanding officer of a general hospital, or officer in charge of a hospital, may grant a leave of absence to a nurse when it can be done without detriment to the service. No leave of absence will be granted unless requested by the nurse in writing. The original paper granting the leave will be given to the nurse and the facts reported to the Surgeon-General,

(*c*) Nurses on foreign service can not be granted leave "to take effect after arrival in the United States," but nurses assigned to transport duty may be granted leave after reaching port.

(*d*) A nurse on leave of absence in the United States will report in writing to the Surgeon-General at least one week prior to the expiration of said leave.

(*e*) At places where the services of trained nurses are not otherwise obtainable a nurse may, if she so desires, and with the approval of the officer in charge of the hospital, be granted a special leave without pay or allowances in order to take a private case, such leaves not to exceed sixty days.

(*f*) An extension of leave of absence may be granted by the officer granting the original leave or by the Surgeon-General, provided that leave with pay shall not exceed thirty days for each year.

ILLNESS.

12. A nurse is entitled to receive medical attendance from an army surgeon and medicines when ill. This will be provided for at the hospital where she may be serving, but when it is reported as desirable the Surgeon-General, or chief surgeon within his department, may give orders for a nurse's transfer to and treatment in some other army hospital. Bills contracted by a nurse for medical attendance can not be allowed, nor will extra leave of absence with pay be granted because of illness.

(*a*) A nurse will not be discharged for disability contracted in line of duty until after reasonable time has been allowed for treatment unless the case requires immediate action and at her request. Full reports in all cases of nurses under treatment in hospital should be promptly forwarded to the Surgeon-General for his information.

CHIEF NURSE.

13. The chief nurse will render efficiency reports of the nurses serving under her on the 1st day of March, June, September, and December of each year. A special report will be made also when the chief nurse is about to be relieved from duty at a hospital. Special efficiency reports of an individual nurse will be made whenever she is ordered away from the hospital. Only matters which relate exclusively to the efficiency of the nurses will appear on these reports. Blanks for efficiency reports will be furnished by the Surgeon-General.

(*a*) Nurses who prove themselves possessed of marked executive ability, good judgment, and tact may be recommended for promotion at the discretion of the commanding officer and the chief nurse.

(*b*) When a vacancy occurs in the grade of chief nurse, the Surgeon-General (or if in the Division of the Philippines the chief surgeon) will assign an eligible nurse to that duty. All assignments or reductions, with the reasons therefor, in the Division of the Philippines will be promptly reported to the Surgeon-General.

(*c*) When required by climatic conditions, the chief nurse may, with the approval of the officer in charge of the hospital, substitute the eight-hour day for the usual ten or twelve hours of ward duty.

(*d*) If a hospital is large enough to require it, one or more nurses may be assigned to duty as assistants to the chief nurse without extra pay.

REPORTS AND RETURNS.

14. On the last day of each month the officer in charge of a hospital will forward a return of female nurses to the Surgeon-General through the chief surgeon on blank form furnished by the Surgeon-General. On this should be noted all the changes, with dates, which have taken place in the status of the nurses since the last report.

These returns should be carefully prepared, and furnish full information of the actual status of the nurses, including leaves of absence.

(*a*) The officer in charge of a hospital will forward to the Surgeon-General, through the chief surgeon, the quarterly and special efficiency reports prepared by the chief nurse, stating whether or not he concurs in the grading reported by her. He will also indorse thereon his report of the efficiency of the chief nurse, specifying in detail the character of the services rendered by her. (*See* par. 13.)

UNIFORM.

15. The uniform of the Army Nurse Corps will consist of a waist and skirt of suitable white material, adjustable white cuffs, bishop collar, white apron, and cap according to patterns and specifications in the Surgeon-General's Office.

(*a*) A nurse provides for the laundering of her uniform.

(*b*) The badge of the corps is the cross of the Medical Department in green enamel with gilt edge. This is pinned on the left side of the collar of the uniform or on a corresponding part of her dress when she is not in uniform.

(*c*) When a nurse is appointed she will be supplied with detailed instructions on this subject and will immediately procure her uniform. It will invariably be worn during her hours of duty.

(*d*) *Nurses not in uniform will not be allowed in the wards* without special permission of the chief nurse or officer in charge.

(*e*) No changes in the prescribed uniform of the Nurse Corps will be made without authority of the Surgeon-General.

RESERVE NURSES.

16. A nurse who has served faithfully and satisfactorily for at least six months and received an honorable discharge will be placed on the reserve list.

(*a*) Each reserve nurse must sign an agreement to enter active service in time of war or national emergency, or whenever she may be needed, and to report by letter to the Surgeon-General on the 1st of January and the 1st of July of each year. Reserve nurses wear the badge of the army nurses, but are not entitled to pay or allowances except when on active service.

(*b*) When called into active service, they will be subject to all established rules and regulations and will receive the pay and allowances of nurses on the active list. They may be granted leave of absence with pay at the rate of two and one-half days per month of active service, not exceeding thirty days during any calendar year.

(*c*) A nurse will be dropped from the reserve list upon reaching the age of 45 years, or if she ceases for five years to practice her profession, or if she becomes permanently incapacitated from ill health, or for other good and sufficient reason. But a nurse shall not be dropped from the reserve list without due notice of the cause for such action and an opportunity to reply to any charges which may be made against her.

(*Pars. 1378, 1426, and 1661, A. R.*)

[G. O. 166, Dec. 30, 1901.]

I. By direction of the Secretary of War, subdivision (*f*), paragraph 8, and subdivision (*b*), paragraph 10, General Orders, No. 113, August 22, 1901, from this office, are amended to read as follows:

8. * * *

(*f*) Nurses traveling under orders from competent authority will be allowed in

addition to transportation reimbursement for necessary expenses not to exceed $3 per day, to be paid by the Quartermaster's Department.

* * * * * * *

10. * * *

(*b*) On Government transports nurses will be provided with meals free of charge.

* * * * * * *

(*Pars. 1378, 1426, and 1661, A. R.*)

[G. O. 49, June 3, 1902.]

By direction of the Secretary of War, General Orders, No. 113, August 22, 1901, from this office, as amended by General Orders, No. 166, December 30, 1901, and General Orders, No. 14, February 10, 1902, from this office, is amended to read as follows:

1. Section 19 of the act "to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901, provides as follows:

SEC. 19. That the Nurse Corps (female) shall consist of one superintendent, to be appointed by the Secretary of War, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, whose compensation shall be one thousand eight hundred dollars per annum, and of as many chief nurses, nurses, and reserve nurses as may be needed. Reserve nurses may be assigned to active duty when the emergency of the service demands, but shall receive no compensation except when on such duty: *Provided*, That all nurses in the Nurse Corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of War; that they shall be graduates of hospital training schools and shall have passed a satisfactory professional, moral, mental, and physical examination: *And provided*, That the superintendent and nurses shall receive transportation and necessary expenses when traveling under orders; that the pay and allowances of nurses and of reserve nurses, when on active service, shall be forty dollars per month when on duty in the United States and fifty dollars per month when without the limits of the United States. They shall be entitled to quarters, subsistence, and medical attendance during illness, and they may be granted leaves of absence for thirty days with pay for each calendar year; and when serving as chief nurses their pay may be increased by authority of the Secretary of War, such increase not to exceed twenty-five dollars per month. Payments to the Nurse Corps shall be made by the Pay Department.

DUTIES OF SUPERINTENDENT OF NURSES.

2. The superintendent of the Army Nurse Corps, under the direction of the Surgeon-General of the Army, will have general supervision of the corps, and her duties and the duties of the chief nurses and nurses shall be as prescribed by the Surgeon-General.

APPLICATIONS FOR APPOINTMENT—QUALIFICATIONS.

3. Applications for appointment in the Army Nurse Corps should be made to the Surgeon-General, and before being placed on the eligible list the applicant must pass the prescribed examinations, as follows:

(*a*) *Physical qualifications.*—A statement of her physical condition will be filled out in her own handwriting and sworn to before a notary public. She will also submit a certificate of health from at least one reputable physician personally acquainted with the applicant. Blanks for these purposes will be furnished by the Surgeon-General.

(*b*) *Moral and professional qualifications.*—The date of her graduation, the moral character of the applicant and her professional qualifications during her period of training and at date of graduation, and so far as known at the time of application, will be certified by the superintendent of nurses at the hospital from which she graduated. If she was trained under a former superintendent of nurses the indorse-

ment of the latter is also desirable. Applicants must have graduated from a training school for nurses which gives a thorough professional education, both theoretical and practical, and which requires two years' residence in an acceptable hospital.

(*c*) *Mental examination.*—Applicants will be required to answer in writing certain practical questions prepared by the Surgeon-General.

(*d*) Approved candidates will be placed on the eligible list for appointment as their services may be required.

(*e*) An applicant will not be placed on the eligible list unless she agrees to serve in the Army for at least three years.

APPOINTMENT AND DISCHARGE.

4. The appointments and discharges of nurses shall be made by the Surgeon-General subject to approval of the Secretary of War.

(*a*) Nurses may be discharged from the service (1) at any time when their services are no longer needed, (2) at their own request, supported by good and sufficient reasons, provided their services have been faithful and meritorious, (3) on account of illness, and (4) for misconduct. Recommendation for the discharge of a nurse on account of misconduct will be submitted to the Surgeon-General with a report of the facts after a careful investigation, of which she shall have due notice and at which she shall have a fair opportunity to be heard in her own defense, and when so discharged the indorsement on the appointment indicating discharge, as provided in paragraph 4 (*c*) of this order, will state "for misconduct," and the word "honorably" will be omitted.

(*b*) The following form will be used in making appointments of nurses to the Army Nurse Corps:

ARMY NURSE CORPS, WAR DEPARTMENT,
SURGEON-GENERAL'S OFFICE,
Washington, ———, *190—.*

With the approval of the Secretary of War ——— ——— is hereby appointed nurse in the Nurse Corps (female) for three years, unless sooner discharged, to date from ——— ——— 190—, and will enter upon her duties after taking the oath prescribed by section 1757 of the Revised Statutes of the United States.

——— ———,
Surgeon-General U. S. Army.

(*c*) Upon honorable discharge from service the following indorsement will be placed on the appointment of the nurse:

———, 190—.

With the approval of the Secretary of War, honorably discharged from the Army Nurse Corps, ——— ———, 190—.

——— ———, *U. S. Army.*

The authority directing her discharge will be quoted.

(*d*) Nurses shall be given orders and transportation to their homes prior to completing their three years' term of service, unless their services are needed to meet an emergency.

(*e*) Nurses who have nearly completed their terms of service and who desire to continue as members of the Army Nurse Corps should make application to the Surgeon-General for reappointment.

ASSIGNMENTS AND DUTIES.

5. Army nurses will be assigned to duty at military hospitals under the direction of the Surgeon-General of the Army. At hospitals where there are two or more nurses serving one will be assigned to duty as chief. Nurses appointed will be required to serve wherever their services may be needed, at home or abroad.

(*a*) The tour of duty without the limits of the United States will usually be at least two years.

(*b*) Nurses can not leave their stations except under orders or when granted a leave of absence.

(*c*) Nurses traveling under orders on transports will be assigned to duty thereon, and under the direction of the transport surgeon will assist in the care of officers and enlisted men.

(*d*) The families of officers are not entitled to the services of army nurses except as provided in paragraph 11 (*e*).

(*e*) A nurse will not receive presents from patients nor from the relatives or friends of patients.

(*f*) After appointment, unless otherwise ordered by the Surgeon-General, a nurse will serve for at least three months in the United States, during which period she will be given special instruction in army nursing.

(*g*) When female nurses are required for service at a hospital the surgeon in charge will make application to the Surgeon-General through the chief surgeon for as many as may be needed, stating the circumstances and the necessities of the case.

(*h*) Should there be a surplus of nurses at any hospital the officer in charge will immediately report the fact to the chief surgeon, who will forward the report to the Surgeon-General and ask for instructions. In the Division of the Philippines the chief surgeon will order surplus nurses to the United States and direct them to report immediately on arrival in the States to the chief surgeon of the department, who will place them on temporary duty and request instructions from the Surgeon-General.

(*i*) When a nurse is directed to proceed to her home for discharge she will be instructed to report immediately on arrival by letter to the Surgeon-General.

(*k*) Every change in the status of nurses, such as arrival, departure, leaves of absence granted, orders given, death, etc., will be promptly reported to the Surgeon-General through the chief surgeon by the officer in charge, giving Christian names and surnames in each instance. For this purpose information slips may be used.

TRANSFERS.

6. Transfers from one division or department to another will not be made, except by authority of the Surgeon-General, but a chief surgeon may transfer nurses, should the exigencies of the service require it, from one hospital to another within his division or department.

(*a*) Transfers of nurses will be immediately reported to the Surgeon-General, with a full statement of the circumstances in each case and a special efficiency report prepared by the chief nurse.

PAY.

7. The pay and allowances of nurses and reserve nurses when on active service shall be $40 per month when on duty in the United States, and $50 per month when without the limits of the United States.

(*a*) Chief nurses receive the same allowances as nurses. Their pay is regulated as follows: When assigned to duty as chief nurse at any hospital where two or more nurses are stationed they shall receive, in addition to pay as nurse, $5 per month; where five or more nurses are stationed, the chief nurse shall receive, in addition to pay as nurse, $10 per month; where ten or more nurses are stationed, the chief nurse shall receive, in addition to pay as nurse, $25 per month. In no case shall a nurse be paid more than $75 per month.

(*b*) Nurses will be paid on monthly pay rolls to be furnished by the Pay Department, prepared and properly certified by the officer under whom they may be serving, signed by the nurse and forwarded either to the chief paymaster of the division or department, or presented to the paymaster visiting the post for settlement. All payments to a nurse must be noted on her appointment.

(*c*) Discharged nurses will be paid on pay rolls prepared by the officer under whom

they may be serving at the date of discharge. The pay accounts of nurses ordered home for discharge will be prepared in the Surgeon-General's office.

(*d*) When a nurse is under orders to leave her station or is granted a leave of absence the officer in charge of the hospital will indorse on her appointment the date of her departure, with date and source of order, date of last payment, and name of paymaster by whom paid. The date of return to duty will also be indorsed thereon.

TRANSPORTATION.

8. Before starting on a journey at public expense a nurse must receive a written order from proper authority together with a transportation request for her railway ticket and sleeping-car or transport accommodations.

(*a*) When traveling under orders no delay in starting and no stop-over privileges are allowed.

(*b*) Nurses traveling under orders will be entitled to transportation with sleeping-car accommodations by rail and staterooms on boats at public expense under the regulations governing transportation for the Army. They will in all cases be entitled to transportation of 150 pounds of personal baggage. Transportation will be procured where practicable from officers of the Quartermaster's Department, and in cases where not practicable nurses may pay their own travel fare and include the cost, not to exceed that of first-class limited tickets from initial point to destination without stop-over privileges, in their expense accounts, which must bear certificate that they actually paid the amount as charged and be accompanied by the original or certified copy of orders upon which they were traveling.

(*c*) A nurse ordered home for discharge from service outside of the United States usually gets transportation to New York or to San Francisco. On arrival in either city she will proceed to the army building, where on presentation of her travel order she will be furnished transportation to the point designated as her home, which hereafter must be fixed at the time of appointment.

(*d*) Travel to and from points beyond the limits of the United States and between island possessions in all cases where practicable will be by an army transport.

(*e*) Transportation will not be furnished for any journey which a nurse may take while on leave of absence.

(*f*) Nurses traveling under orders from competent authority will be allowed in addition to transportation reimbursement for necessary expenses not to exceed three dollars per day, to be paid by the Quartermaster's Department.

(*g*) When expenses are incurred as above an itemized account, in duplicate, with date and place of incurrence of each item, will be prepared and attached to Blank No. 13½, Quartermaster's Department, which must be properly filled out, signed by the nurse, and sworn to before an officer duly authorized to administer oaths. The receipts on the blanks will also be signed by the nurse. When practicable to obtain them duplicate receipts for the items charged will be submitted. When it is impracticable to obtain receipts this fact should be so stated in the affidavit.

QUARTERS.

9. Nurses will be furnished quarters according to the accommodations available at each hospital, and where there are several nurses one room or wall tent will be provided as a common sitting room.

(*a*) Sheets, towels, pillowcases, table linen, and other washable articles will be furnished by the hospital for the nurses' use, to be washed as part of the hospital laundry.

SUBSISTENCE.

10. A nurse will receive one ration in kind per day, and when stationed on duty at places where rations can not be furnished she will receive commutation of rations at 75 cents per day.

(*a*) When on leave of absence with pay a nurse will receive commutation of rations at 25 cents per day.

(*b*) On Government transports nurses will be provided meals free of charge.

LEAVE OF ABSENCE.

11. The total duration of leave of absence with pay granted a nurse shall not exceed thirty days for each calendar year.

(*a*) An additional leave without pay or allowances not to exceed one month may be granted when the service will permit.

(*b*) The commanding officer of a general hospital, or officer in charge of a hospital, may grant a leave of absence to a nurse when it can be done without detriment to the service. No leave of absence will be granted unless requested by the nurse in writing. The original paper granting the leave will be given to the nurse and the facts reported to the Surgeon-General.

(*c*) Nurses on foreign service can not be granted leave "to take effect after arrival in the United States," but nurses assigned to transport duty may be granted leave after reaching port.

(*d*) A nurse on leave of absence in the Uuited States will report in writing to the Surgeon-General at least one week prior to the expiration of said leave.

(*e*) At places where the services of trained nurses are not otherwise obtainable a nurse may, if she so desires, and with the approval of the officer in charge of the hospital, be granted a special leave without pay or allowances in order to take a private case, such leaves not to exceed sixty days.

(*f*) An extension of leaves of absence may be granted by the officer granting the original leave or by the Surgeon-General, provided that leave with pay shall not exceed thirty days for each year.

ILLNESS.

12. A nurse is entitled to receive medical attendance from an army surgeon and medicines when ill. This will be provided for at the hospital where she may be serving, but when it is reported as desirable the Surgeon-General, or chief surgeon within his department, may give orders for a nurse's transfer to and treatment in some other army hospital. Bills contracted by a nurse for medical attendance can not be allowed, nor will extra leave of absence with pay be granted because of illness.

(*a*) A nurse will not be discharged for disability contracted in line of duty until after reasonable time has been allowed for treatment unless the case requires immediate action and at her request. Full reports in all cases of nurses under treatment in hospital should be promptly forwarded to the Surgeon-General for his information.

CHIEF NURSE.

13. A nurse shall not be assigned to duty as chief nurse unless she shall have passed a satisfactory written and oral examination.

(*a*) At such times as he may deem necessary the Surgeon-General shall appoint boards for the examination of nurses for promotion to the grade of chief nurse.

(*b*) The rules and regulations governing such examinations shall be prepared and promulgated by the Surgeon-General.

(*c*) The examination papers of nurses shall be forwarded to the Surgeon-General for his consideration and action.

(*d*) Lists of those nurses who pass the required examination shall be sent to the chief surgeon of the department in which they are serving, or to the commanding officer of a United States general hospital, who will make assignments therefrom to duty as chief nurse.

(*e*) Pending the receipt of lists of candidates for promotion to the grade of chief

nurse the chief surgeon will make temporary assignments of nurses to that grade, and those nurses now assigned to duty as chief nurse shall hold their present assignments so long as their services are needed and their duties are performed in a satisfactory manner.

(*f*) A chief nurse whose services are no longer required as such may elect to be discharged or to be assigned to regular duty as nurse.

(*g*) Nurses who prove themselves possessed of marked executive ability, good judgment, and tact will be recommended by the commanding officer of the hospital at which they are on duty for examination for promotion to the grade of chief nurse.

(*h*) All assignments or reductions, with the reasons therefor, will be promptly reported to the Surgeon-General.

(*i*) When required by climatic conditions the chief nurse may, with the approval of the officer in charge of the hospital, substitute the eight-hour day for the usual ten or twelve hours of ward duty.

(*k*) If the hospital is large enough to require it, one or more nurses may be assigned to duty as assistants to the chief nurse without extra pay.

(*l*) The chief nurse will render efficiency reports of the nurses serving under her on the last day of March, June, September, and December of each year. A special report will be made also when the chief nurse is about to be relieved from duty at a hospital.

(*m*) Special efficiency reports of an individual nurse will be made whenever she is ordered away from the hospital, and the commanding officer will forward them, under special cover, through the chief surgeon to the Surgeon-General. Only matters which relate exclusively to the efficiency of the nurses will appear in these reports. Blanks for efficiency reports will be furnished by the Surgeon-General.

REPORTS AND RETURNS.

14. On the last day of each month the officer in charge of a hospital will forward a return of female nurses to the Surgeon-General through the chief surgeon on blank form furnished by the Surgeon-General. On this should be noted all the changes, with dates, which have taken place in the status of nurses since the last report. These returns should be carefully prepared and furnish full information of the actual status of the nurses, including leaves of absence

(*a*) The officer in charge of a hospital will forward to the Surgeon-General through the chief surgeon the quarterly and special efficiency reports prepared by the chief nurse, stating whether or not he concurs in the grading reported by her. He will also indorse thereon his report of the efficiency of the chief nurse, specifying in detail the character of the services rendered by her. (*See* paragraph 13, (*l*) and (*m*).)

UNIFORM.

15. The uniform of the Army Nurse Corps will consist of a waist and skirt of suitable white material, adjustable white cuffs, bishop collar, white apron and cap, according to patterns and specifications in the Surgeon-General's Office.

(*a*) A nurse provides for the laundry of her uniform.

(*b*) The badge of the corps is the cross of the Medical Department in green enamel with gilt edge. This is pinned on the left side of the collar of the uniform or on a corresponding part of her dress when she is not in uniform.

(*c*) When a nurse is appointed she will be supplied with detailed instructions on this subject and will immediately procure her uniform. It will invariably be worn during her hours of duty.

(*d*) Nurses not in uniform will not be allowed in the wards without special permission of the chief nurse or officer in charge.

(*e*) No changes in the prescribed uniform of the Army Nurse Corps will be made without authority of the Surgeon-General.

RESERVE NURSES.

16. A nurse who has served faithfully and satisfactorily for at least six months and received an honorable discharge will be placed on the reserve list.

(*a*) Each reserve nurse must sign an agreement to enter active service in time of war or national emergency, or whenever she may be needed, and to report by letter to the Surgeon-General on the 1st of January and the 1st of July of each year. Reserve nurses wear the badge of army nurses, but are not entitled to pay or allowances except when on active service.

(*b*) When called into active service they will be subject to all established rules and regulations and will receive the pay and allowances of nurses on the active list. They may be granted leave of absence with pay at the rate of two and one-half days per month of active service, not exceeding thirty days during any calendar year.

(*c*) A nurse will be dropped from the reserve list upon reaching the age of 45 years, or if she ceases for five years to practice her profession, or if she becomes permanently incapacitated from ill health, or for other good and sufficient reason; but a nurse shall not be dropped from the reserve list without due notice of the cause for such action and an opportunity to reply to any charges which may be made against her.

(*Pars. 1378, 1426, and 1661.*)

[G. O. 11, Feb. 3, 1902.]

A new edition of Form No. 40 (Abstract of issues) and Form No. 53 (Ration return) is about to be issued by the Subsistence Department, as well as a new Form No. 66 (Consolidated ration return), to which the attention of company, regimental, and post commanders is invited. The use of old forms No. 40 on hand at posts and No. 53 in hands of company commanders will be discontinued on receipt of the new forms.

Especial attention is called to the notes on all these forms, which are explanatory of their uses. The matter of fundamental importance in connection with the ration return is that it must be founded by the company commander upon the showing of his company's morning reports as to strength on the date of the return and as to the additions and deductions made on the return. The responsibility for the accuracy of the entries on the ration return, therefore, rests upon him and the post or regimental commander, the latter of whom, under paragraph 1390 of the Regulations, must verify their accuracy from the morning reports of the company in his possession before ordering the commissary to make the issues.

In order to diminish as much as possible the clerical work on the abstract of issues, the general use of Form No. 66 (Consolidated ration return) in all cases where its use is practicable is enjoined on post and regimental commanders, who make themselves responsible for all issues reported on this abstract upon signing the same as required by paragraph 1406 of the Regulations.

(*Pars. 1390 and 1406, A. R.*)

[Cir. 43, Nov. 29, 1901.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

ICE FOR HOSPITAL PATIENTS.—Ice can not be purchased from the fund of 40 cents per diem appropriated for special diet to enlisted patients in hospitals who are too sick to be subsisted on the army ration.

(*Par. 1392 and 1395, A. R.*)

[G. O. 34, Apr. 3, 1902.]

* * * * * * *

By direction of the Secretary of War, the following rules and regulations will govern the issue of rations at the general hospital at Fort Bayard, New Mexico:

For all enlisted men and army nurses ordered to duty there rations in kind will be issued by the Subsistence Department.

For all enlisted men on the active list ordered there for treatment rations in kind will be issued by the Subsistence Department, or such men may be subsisted from the 40 cents per diem allowance authorized by paragraph 1392 of the Regulations, as the circumstances of each case may require.

For discharged enlisted men who are beneficiaries of the U. S. Soldier's Home, Washington, District of Columbia, under the provisions of General Orders, No. 159, August 29, 1899, from this office, the medical officer in command of the hospital is authorized to purchase from the Subsistence Department the subsistence stores needed for their subsistence, paying therefor from the allowance made to the hospital by the Soldier's Home for their maintenance.

(*Par. 1392, A. R.*)

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[G. O. 62, May 2, 1901.]

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By direction of the Secretary of War, Paragraph I, General Orders, No. 102, July 31, 1900, from this office, is rescinded, to take effect July 1, 1901, and on and after that date vouchers in payment of an officer's salary will be made up to cover his whole compensation, of whatever character, for a period of one or more calendar months, and there will be noted on the pay accounts any facts, as well as the number and date of orders affecting the officer's pay status.

(*Par. 1445, A. R.*)

[Cir. 29, Aug. 28, 1901.]

* * * * * * *

Increased pay for exercise of higher command. Adverse to claim of Captain Wood, Eighteenth Infantry, appointed chief ordnance officer by commanding general, Division of the Philippines, on the ground that the President only is authorized, under section 10, act April 22, 1898; section 7, act April 26, 1898, or act July 7, 1898 (which increases the force of the Ordnance Department), to make such appointment or assignment as would entitle him to pay in excess of grade to which commissioned.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, February 25, 1901.

To the honorable the SECRETARY OF WAR.

SIR: By reference from the Paymaster-General, by indorsement dated October 8, 1900, made pursuant to your order, I am in receipt of a letter and account from W. T. Wood, captain of the Eighteenth United States Infantry, to the chief paymaster, Division of the Philippines, dated May 23, 1900, with indorsements, requesting a decision upon the question of the right of Captain Wood to the difference of pay between lieutenant-colonel and captain of infantry for the period from November 17, 1898, to March 11, 1899, while on duty as chief ordnance officer, Department of the Pacific, Manila, P. I.

The War Department reports that—

"Capt. W. T. Wood, Eighteenth Infantry, was never commissioned as chief ordnance officer of Volunteers. The records show, however, that he was on special duty as chief ordnance officer, Depart-

ment of the Pacific and Eighth Army Corps, from November 23, 1898, to March 11, 1899, by authority of General Orders, No. 30, November 17, 1898, from that department and corps."

He was assigned to duty by the following order:

"GENERAL ORDERS, No. 30. } "HEADQUARTERS DEPARTMENT OF THE PACIFIC "AND EIGHTH ARMY CORPS, "*Manila, P. I., November 17, 1898.*

"Lieut. Col. Charles W. Whipple, United States Volunteers, is relieved from duty as chief ordnance officer at these headquarters on account of sickness, and will transfer to Capt. W. T. Wood, Eighteenth Infantry, who is hereby appointed chief ordnance officer, Department of the Pacific and Eighth Army Corps, all funds, property, and records pertaining to that office.

"By command of Major-General Otis:

"THOMAS H. BARRY,
"*Assistant Adjutant-General.*"

Captain Wood claims that this assignment was in accordance with the following provision in the act of July 7, 1898 (30 Stat., 720), viz—

"A chief ordnance officer may be assigned to the staff of an army or corps commander, and while so assigned shall have the rank, pay, and allowances of a lieutenant-colonel. A chief ordnance officer may be assigned to the staff of a division commander, and while so assigned shall have the rank, pay, and allowances of a major,"

and that he is therefore entitled to the rank, pay, and allowances of a lieutenant-colonel, as provided by said act, for the period so assigned.

This provision was a part of the act entitled "An act to increase the force of the Ordnance Department." This act amended section 5 of the act of June 23, 1874 (18 Stat., 244), entitled "An act reorganizing the several staff corps of the Army," by providing for an increased number of ordnance officers in the various grades therein mentioned and adding the provision above quoted. The manner in which the assignment of the chief ordnance officer shall be made is not specified in the act of July 7, 1898, supra. This act, however, appears to have been passed for the same general purpose and upon the same general subject-matter as section 10 of the act of April 22, 1898 (30 Stat., 361). Both acts related to the staff commanders; both made the rank and pay contingent upon the assignment to and performance of certain duties. An officer of the Ordnance Department assigned under the act of July 7, 1898, supra, was entitled to the same rank, pay, and allowances, and received the same designation, viz., chief officer, as similar officers in other departments assigned under the provisions of section 10 of the act of April 22, 1898, supra. Both acts were to increase the force, and the manner of making such increase would necessarily be involved in each. The act of July 7, 1898, supra, appears to have been supplemental to the act of April 22, 1898, supra, and was evidently intended to include on the terms and conditions therein mentioned the Ordnance Department, which had been omitted in the act of April 22, 1898, supra. These acts are therefore in pari materia, and must be construed with reference to each other. When so construed the provisions in section 10 of the act of April 22, 1898, relative to the manner of making the assignments of similar officers therein authorized, applies proprio vigore to the manner of making like assignments authorized by the act of July 7, 1898, supra. Congress having expressly provided that the President should make the assignments authorized in the initial act of April 22, 1898, supra, naturally omitted such provision from the subsequent act authorizing more assignments of the same class as those already provided for. It is not believed that Congress intended by this omission to create an exception by implication in the case of ordnance officers. The better view is that as the manner of making assignments of the class authorized had been covered by section 10 of the general act of April 22, 1898, supra, Congress intended and assumed that this provision would apply to and control the manner of making assignments of like character authorized in a subsequent act. This assignment is a form of appointment authorized to be made by detail, and which, when so made, confers upon the holder the right to certain temporary rank, pay, and allowances, and as such, in the absence of statutory regulations controlling it, would belong to the prerogative of the President acting through his representative, the Secretary of War, to make.

It is therefore held that the assignment of a chief ordnance officer under the act of July 7, 1898 can only be made by the President.

Captain Wood was not so assigned and his services under the unauthorized assignment of Major-General Otis does not entitle him to pay in excess of the grade to which he was commissioned. (*See* Comp. Dec., in the case of Charles M. Truitt, December 12, 1899.)

The question as to whether the assignment should have been made from the line or staff is not decided as the determination of that question is not necessary to this decision.

Respectfully,

R. J. TRACEWELL, *Comptroller.*

(*Par. 1446 and 1448, A. R.*)

Increased pay for higher command can not be drawn by officers who have not been assigned in orders by competent authority, i. e., the Secretary of War or the commanding general of an army operating against an enemy.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, February 27, 1901.

Philip G. Walker, August 31, 1900, appeals from the action of the Auditor for the War Department in settlement No. 285105, dated December 6, 1899.

He claimed pay as second lieutenant in Company E, First Regiment, West Virginia Volunteer Infantry, from April 26, 1898, date he joined for duty, to May 12, 1898, date he was mustered in, "and also for difference of pay between second lieutenant and captain, having commanded the company for quite awhile, exact dates being unknown to him, but will be shown by company morning report book of Company F, First West Virginia Volunteer Infantry. Also applies for any other pay and allowances due."

The Auditor described his claim as one for pay, and pay for exercise of higher command, and disallowed it for reasons stated, as follows:

"He was paid in full, including all periods exercising command higher than that pertaining to his grade. The records fail to show that he joined for service prior to May 12, 1898, date from which originally paid."

He contends that he joined for duty and was enrolled April 26, 1898, and that he is entitled to pay from date of enrollment to date of muster in, and that he is entitled to pay for exercising the command of captain of his company by virtue of being senior officer present for duty with the company, the dates of such service being unknown to him.

On October 14, 1899, the War Department reported that records show officer enrolled May 12, 1898, and mustered into service as second lieutenant Company E, First West Virginia Volunteers, same day, and mustered out as first lieutenant, to which promoted January 6, 1899, on February 4, 1899. On subsequent requests for further investigation and report, in connection with the evidence submitted by the claimant as to the dates he joined for duty and was enrolled, the War Department declined to change its report of October 14, 1899, *supra*, on the ground that nothing has been found of record to warrant any change in the statement as originally furnished to the auditor.

The adjutant-general of the State of West Virginia has reported as follows:

"This is to certify that the records of this office show that prior to the President's call for troops on the 26th day of April, 1898, Philip G. Walker, of Charleston, W. Va., held a commission and was regularly mustered in and assigned to duty as quartermaster on the staff of Maj. John Baker White, commanding the Second Battalion, Second West Virginia National Guard, and that his commission as such dated from October 14, 1897; that his regiment was on the 26th day of April, 1898, ordered to rendezvous at Charleston, W. Va., forthwith for the purpose of being mustered into the service of the United States as a regiment of volunteers; that said Philip G. Walker in obedience to said orders reported at the rendezvous with his regiment and continued on duty with the same as a second lieutenant (mounted) until the 12th day of May, 1898, at which time he was mustered into the service of the United States as a second lieutenant of infantry and assigned to duty with Company E, of the First Regiment of West Virginia Volunteers; that a commission was issued by the governor of this State to the said Walker as second lieutenant in said regiment dated April 29, 1898, and that said Walker was regularly mustered into the service of the United States by Lieutenant Douglas Settle on the 12th day of May, 1898, as second lieutenant.

"I further certify that the records of this office show that said Walker reported with his regiment for duty on April 26, 1898, and actually served with such as second lieutenant from that date until the date of his muster in (May 12, 1898), and that he received pay from the State of West Virginia for such services as second lieutenant (mounted)."

Maj. John Baker White, in an affidavit executed February 15, 1900, states as follows:

"That said Walker, fearing that he would not receive a commission in the First West Virginia Volunteer Infantry, by reason of there being no such office as battalion quartermaster in the United States Army, and being anxious to serve his country in some capacity, did cause his name to be enrolled as a private in Company B, First West Virginia Volunteer Infantry."

The muster-out roll of Company E shows soldier enrolled as a private and appointed a second lieutenant April 29, 1898, and mustered out as such.

Notwithstanding the findings of the War Department upon all the other evidence in the case, it is concluded that said Walker joined for duty and was enrolled as a private in Company B, First Regiment West Virginia Infantry, April 26, 1898, and that he was commissioned as second lieutenant in Company E, First Regiment West Virginia Infantry, April 29, 1898. He is therefore entitled to the pay of a private from April 26 to April 28, 1898, inclusive, and to the pay of a second lieutenant from April 29 to May 11, 1898, inclusive, which is now allowed. (*See* decision of the Comptroller in case of Charles D. Forrer, July 31, 1900.)

The officer does not appear to have exercised the command of captain, if at all, except by virtue of being senior officer present for duty with the company and in command by virtue of paragraph 253, Army Regulations of 1895, which provides:

"In the absence of its captain the command of the company devolves upon the subaltern next in rank who is serving with it, unless otherwise specially directed."

He does not claim, and there is no record to show that he exercised the higher command, if at all, by any other authority or order than that conferred by paragraph 253 of the Army Regulations, *supra*, as the senior officer present for duty with the company.

Section 7, of the act of April 26, 1898 (30 Stat., 365), providing pay for those officers who exercise a command above that pertaining to their grades, reads as follows:

"That in time of war every officer serving with troops operating against an enemy who shall exercise, under assignments in orders issued by competent authority, a command above that pertaining to his grade shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised."

To hold that this act allows pay to an officer who exercises a command above that pertaining to his grade under paragraph 253 of the Army Regulations, *supra*, by virtue of being the senior officer present for duty with his company, does violence to both the language and spirit of the act and the conditions and limitations therein specified. If such be its proper construction, the clause limiting this increased pay to the officers exercising a higher command than that held by them under assignment in orders issued by competent authority is utterly without meaning, force, or effect.

It is fair to presume that Congress in the passage of a law of this importance, in fact, of any law, used the English language with a fair degree of accuracy. If it had intended to pay the officer for exercising a higher command than that held by him under the terms and provisions of the regulations quoted or any other army regulation, it would have been a very easy matter to have so stated.

If this had been the intention of Congress its intention would have been perfectly manifest by entirely omitting from the act the language requiring the assignment to the higher command to be by assignment in orders issued by proper authority.

It is perfectly clear to my mind that Congress intended to attach a substantial meaning to these restrictive words, in fact the most restrictive clause in the entire act, and that its meaning does not appear to be of great difficulty to arrive at. It is that when an officer is absent and the officer having authority to designate another officer to temporarily fill his position determines that the absence is of such a character as justifies an official filling of the position so temporarily vacant, and does so fill it by ordering some other officer to fill it, then the requirements of this clause of the law have been fulfilled.

It seems to me that the correct rule is laid down in this matter in General Orders, No. 86, General Orders and Circulars, Adjutant-General's Office, and Circular No. 18, Adjutant-General's Office. It is said in the latter circular:

"For the purpose of restricting assignments to command under this section to 'competent authority,' it is decided that such authority can be exercised only by the Secretary of War or by the commanding general of an army 'operating against an enemy.'"

(Decision Sec. War, June 10, 1898—85003, A. G. O.)

It is said in General Orders, No. 86:

"To entitle an officer to the pay of a grade above that actually held by him, the assignment in orders, under the clause cited, must be by the written order of the commanding general in the field or the Secretary of War, and no pay or allowances of a higher grade than that actually held by an officer will be paid under this provision except when a certified copy, in duplicate, of such order, with statement of service, is filed with the paymaster."

Without these authorities it would appear that an officer assuming temporary command under a regulation is not the assuming of command "under assignment in orders issued by competent authority."

No order having been made assigning this lieutenant to the command of the company for any period by any competent authority under the clause of the act mentioned, he is not entitled to pay for exercising the command of captain, and as he has been paid in full for all other periods wherein it is shown that he exercised a command above that pertaining to his grade in orders issued by competent authority, the action of the Auditor as to this item is affirmed.

Any decision of this office holding that an officer not assigned as set forth to a command above that which he holds is entitled to pay and allowances of such higher command is hereby overruled.

Upon revision of the above-described account I find and certify the following difference:

Due claimant from the United States:	
Pay as private from April 26, 1898, to April 28, 1898, inclusive, at $15.60 per month	$1.56
Pay as second lieutenant from April 29 to 30, 1898, inclusive, at $1,400 per annum	7.77
Pay as second lieutenant for May, 1898, $116.67, less $73.90 paid	42.77
Short paid from February 1 to February 4, 1899	.45
Total	52.55

Appropriation: "Pay, etc. of the Army, January 1, 1899."
To be paid to Philip G. Walker, Charleston, W. Va.

R. J. TRACEWELL, *Comptroller.*

(*Pars. 1446 and 1448, A. R.*)

22778—03——23

In accordance with section 1892, Revised Statutes, and section 12, act of April 22, 1898, volunteer officers are entitled, when promoted by seniority, to pay from date of vacancy in next higher grade.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, March 12, 1901.

The honorable the SECRETARY OF WAR.

SIR: I have received by your authority two letters from the Paymaster-General of the Army, dated, respectively, March 7 and May 19, 1900, in the former of which decision is asked upon the questions:

"1. Whether, as provided by the act of October 1, 1890 (26 Stat., 562), promotion in the United States volunteer regiments should be by seniority in each regiment, or whether it should be by seniority in the arm of the service; and

"2. Whether promotions in said volunteer regiments take effect with pay from date of vacancy, as in the case of promotion of officers of the Regular Army, or from date of acceptance of the new commission by the officer promoted."

The letter of May 19, 1900, is as follows:

"I have the honor to submit for your decision the within claim of Capt. Julien E. Gaujot, Twenty-seventh United States Volunteer Infantry, for pay as captain from the date of the vacancy to which he was promoted, he having been paid as captain only from the date of his acceptance of his appointment as such.

"As stated in his communication, he was promoted from first lieutenant Company M, Twenty-seventh United States Volunteer Infantry, to captain of Company I of the same regiment, 'to rank from November 2, 1899, vice Langhorne, promoted.' On November 16 he accepted his appointment as captain.

"As this case is representative of many which have occurred among the regiments of the United States Volunteers now in service, it is deemed important that the date on which such promoted officers became entitled to the higher rate of pay be determined.

"Section 1292, Revised Statutes, provides that 'in all matters relating to the pay and allowances of officers and soldiers of the Army of the United States the same rules and regulations shall apply to the Regular Army and to the volunteer forces mustered into the service of the United States for a limited period.'

"The act of October 1, 1890 (26 Stat., 562), provides that 'hereafter promotion to every grade in the Army below the grade of brigadier-general throughout each arm, corps, or department of service shall, subject to the examination hereinafter provided for, be made according to seniority in the next lower grade in that arm, corps, or department.'

"Section 12 of an act approved April 22, 1898 (30 Stat., 363), provides that 'all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades of the Regular Army.'

"In a decision of the Secretary of War, promulgated in Circular No. 32, Adjutant-General's Office, 1899 (copy herewith), it was held that 'the date on which a volunteer officer appointed by the President formally accepts his appointment should be considered as the date of the commencement of his military service. No such officer should be recognized as having been in the military service of the United States under his appointment because of any service that may have been rendered by him prior to the formal acceptance of that appointment.'

"So far as known to this office, there is no law which authorizes pay of the higher grade to the promoted officer, either in the Regular or Volunteer Army, from the date of the vacancy.

"Comptroller Gilkeson says (par. 867, p. 225, vol. 3, Dig. Opin.): 'No Congressional enactment declares the time when the pay of the higher grade shall begin to accrue to the promoted officer, but by immemorial custom and practice pay is allowed from the date of the vacancy. This is the time fixed by Army Regulations of 1863, which have been recognized and sanctioned by Congress.'

"It appears that promotion in the United States Volunteer regiments brought into service under the act of March 2, 1899, has been by seniority in the entire infantry arm of the Volunteer Army."

That I might be advised of the administrative construction put upon the act of March 2, 1899, as to the appointment and promotion of the officers of the volunteer regiments organized under the provisions of section 12 of said act, I addressed a letter to you February 21, 1901, in which I asked:

"1. Have the original appointments and promotions of the officers of these regiments (company and regimental) been made by and with the advice and consent of the Senate or by the President alone?

"2. How have promotions in these regiments been made and in accordance with what regulation or other authority?"

These questions having been referred to the Adjutant-General, he replies in letter dated February 27, 1901:

"I am directed by the Secretary of War to inform you that * * * under date of September 5, 1899, a letter was addressed to the commanding officer of each volunteer regiment organized * * * communicating the instructions of the Secretary of War that 'promotions in the volunteer regiments will be made within each regiment and by seniority,' and that 'all vacancies of second lieutenant will be filled from the enlisted men of the regiment on the recommendation of the commanding officer.'

"In accordance with the order of the Secretary the senior officers of each regiment, prior to assembling of Congress in December, 1900, were appointed by recess commissions to fill vacancies occurring in the next higher grade, to rank from date of vacancy in each case, and after Congress assembled the senior officers have been nominated for 'promotion' to fill vacancies in the next higher grade, as of the dates of the vacancies to which promoted, have been confirmed agreeably to the nominations, and commissioned accordingly.

"The original appointments and subsequent promotions of officers of these regiments have in every case been made by and with the advice and consent of the Senate."

The first question submitted by the Paymaster-General in his letter of March 7, 1900, is an administrative question which I have no jurisdiction to decide, and which seems to have been administratively decided by the Secretary of War, as shown by letter dated Adjutant-General's Office, September 5, 1899, supra.

The practice of paying the higher rate to the Regular Army officers promoted from the date of the vacancy rests upon custom and not upon any provision of law. In the case of Captain Wood (MSS. Dec., vol. 8, p. 85), I said on page 89:

"If the question presented by the Auditor were a new one, in the absence of Congressional enactment fixing the time when the pay of the higher grade should begin to accrue to the promoted officer in the Army, I should hesitate to hold that he should be allowed such pay from the date of the vacancy in the higher grade.

"Section 1204, Revised Statutes, and section 1, act of April 26, 1898, seem only to prescribe the mode in which the vacancies in certain grades in the Army shall be filled, and it would seem to be the most reasonable construction of the law to hold that until the officer next in the order of succession has been duly appointed and has accepted the appointment to the office of the higher grade he is not such officer and therefore not entitled to pay as such."

Such ruling would appear to coincide with the opinion of Attorney-General Hoar in 13 Opinion Attorney-General, 13, where he says:

"By the law of the service in force at the passage of this act, all vacancies in the established regiments or corps to the rank of colonel were required to be filled by promotion according to seniority except in case of disability or other incompetency. Promotions to the rank of captain were made regimentally; to the rank of major, lieutenant-colonel, and colonel, according to the arm, as infantry, artillery, etc. * * *

"But these laws and regulations prescribe only the mode in which vacancies shall be filled; they do not confer upon the officer next in the order of succession any right to the vacant place. This he can acquire only by virtue of a new commission."

This opinion deals only with the right to promotion and not with the right to pay of the higher grade from the date of the vacancy in case of a promoted officer.

The same is true of the other opinion cited by the Auditor as authority for such payments in said manuscript decision, except 10 Opinion Attorney-General, 144, and the latter opinion is based upon a more explicit provision of the statute.

The quotation in the Paymaster-General's letter of May 19, 1900, supra, from Digest Second Comptroller's Decision (vol. 3, sec. 867), and attributed to Second Comptroller Gilkeson, is really taken from a decision of Second Comptroller Maynard, dated October 25, 1886 (MSS. vol. 54, p. 196). The third holding of that decision was:

"No Congressional enactment declares the time when the pay of the higher grade shall begin to accrue to the promoted officer, but by immemorial custom and practice the pay is allowed from the date of the vacancy. This is the time fixed by the Army Regulations of 1863, which have been recognized and sanctioned by Congress."

The last sentence in this holding does not seem to be warranted by the facts. The language of the Regulations is:

"Officers are entitled to pay from the date of the acceptance of their appointments and from the date of promotion." (Par. 1346.)

The same language is used in the Regulations of 1861 (par. 1315). What the date of promotion is—whether the date of vacancy, date of commission, or date of acceptance—is left by the Regulations as an open question. In the Regulations of 1881 the language is:

"A person appointed to the Army or receiving a new appointment therein is entitled to pay from acceptance only. If the appointment creates vacancies to be filled by promotion, the promoted officers are entitled to pay of the new grade from the date of acceptance of the appointee. In all other cases of promotion the officer is entitled to pay from the date of the occurrence of the vacancy." (Par. 2392.)

This appears to be the first explicit regulation authorizing pay from the date of vacancy, and it has been followed in subsequent editions. The regulations appear to have been as silent as the statutes on this point up to 1881, so far as any explicit provisions are concerned.

Although under existing laws and regulations a senior officer in the line of promotion has an inchoate right to promotion in case of vacancy in the next higher grade, it is only an inchoate right which is not complete until he is commissioned as of the higher grade. His right to promotion is further conditioned by the act of October 1, 1890 (25 Stat., 562), and acts amendatory thereof, providing for examination of all officers below the rank of major as a condition precedent to promotion. The allowance of pay for the higher grade from the date of vacancy to date of commission is allowance for a time during which the officer did not hold the rank entitling him to such pay.

The allowance therefore is not a statutory allowance, and prior to 1881 was not an explicit regulation allowance. It rests upon immemorial custom, acquiesced in by Congress and the accounting officers, and I am not disposed to disturb it.

The question arises whether the same rule of payment is authorized in the case of volunteer officers of the regiments organized under the provisions of section 12, act of March 2, 1899 (30 Stat., 980). The rule making promotions regimentally by seniority and without examination in the United States volunteer regiments as set forth in the Adjutant-General's letter of February 27, 1901, differs materially from the statutory provisions for promotions in the Regular Army, requiring that they be made according to arm, as infantry, artillery, etc., and subject to examination for certain grades. These differences, however, appear to pertain to tenure or right to tenure of office and not to emoluments of office.

Under the provisions of section 1292 of the Revised Statutes that—

"In all matters relating to the pay and allowance of officers and soldiers of the Army of the United States, the same rules and regulations shall apply to the Regular Army and to volunteer forces mustered into the service for a limited period,"

and of section 12, act of April 22, 1898 (30 Stat., 363)—

"That all officers and enlisted men of the Volunteer Army, and of the militia of the States when in the service of the United States, shall be in all respects on the same footing as to pay, allowances, and pensions as that of officers and enlisted men of corresponding grades in the Regular Army."

I see no valid reasons for allowing pay from date of vacancy at the higher rate to an officer in the Regular Army when promoted by seniority and denying the same to an officer of the Volunteer Army when promoted by seniority. Such denial would not leave the officers of the two branches of the service in all respects on the same footing as to pay and allowances.

I have therefore to inform you that under the immemorial custom of paying army officers the higher rate from the date of vacancy volunteer officers promoted by seniority in accordance with the Regulations are entitled to like payment.

R. J. TRACEWELL, *Comptroller.*

(*Pars. 1446, 1448, and 1455, A. R.*)

* * * * * * *

[Cir. 34, Sept. 23, 1901.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

A subordinate officer in the Philippine Islands is not entitled to the pay appropriate to a higher command unless he exercises such command under orders issued by his superior officer and afterwards approved by the commanding general in the field.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, July 29, 1901.

The honorable the SECRETARY OF WAR.

SIR: By your reference and indorsement dated the 13th instant, I am in receipt of a letter from Lieut. Col. G. W. Baird, chief disbursing officer, Paymaster-General's Office, as follows:

"I have the honor to state that Special Orders, No. 118, paragraph 1, Headquarters Division of the Philippines, Manila, P. I., May 7, 1901, confirms, for the purpose of increased pay, the assignments to commands above those pertaining to their respective grades of various officers named. In most of these cases the assignments were by orders issued before the exercise of the command, and emanating from department headquarters or regimental headquarters.

"It will be seen, from the order inclosed, that the confirmation by the commanding general Division of the Philippines (dated May, 1901) was probably made on the receipt of decision No. 118, Paymaster-General's circular No. 254, made by your office on February 27, 1901, overruling decision No. 13, Paymaster-General's circular No. 179, March 31, 1899. Attention is invited to the fact that the command, in several instances, was exercised continuously, beginning several months before the date of the order cited (Special Orders, No. 118, Headquarters Division of the Philippines).

"I respectfully ask if Special Orders, No. 118, inclosed, is, in the view of your office, a competent order as contemplated in decision No. 118, circular No. 254, Paymaster-General's Office, and carries with it the pay of the command exercised, provided such command was exercised for a period not less than three months."

Special Orders, No. 118, issued May 7, 1901, at the Headquarters Division of the Philippines, is as follows:

[Extract.]

"The assignments of the following-named officers to commands above those pertaining to their respective grades are confirmed, for the purpose of increased pay from the dates given."

Following the above language, said order 118 contains the number of special orders, from what headquarters issued, names, rank, command exercised, from what date, of 126 officers.

This order was issued by command of Major-General MacArthur. Most of the officers named in the order appear to have been originally assigned to higher commands in orders issued from their respective regimental headquarters, and it further appears that the assignments of nearly all the officers were subsequent to May 26, 1900.

Section 7, act of April 26, 1898 (30 Stat., 365), is as follows:

"That in time of war every officer serving with troops operating against an enemy who shall exercise, under assignment in orders issued by competent authority, a command above that pertaining to his grade, shall be entitled to receive the pay and allowances of the grade appropriate to the command so exercised: *Provided*, That a rate of pay exceeding that of a brigadier-general shall not be paid in any case by reason of such assignment." * * *

The act making appropriation for the support of the Regular and Volunteer Army for the fiscal year 1901 (31 Stat., 211), approved May 26, 1900, contains the following provision:

"For additional pay for increased rank when in command by competent authority, fifty thousand dollars: *Provided*, That no part of this sum shall be used for pay of officers assigned to higher command than their rank in the Army, unless such service shall be continuous for a period of not less than three months."

My decision is requested as to whether Special Orders, No. 118, in view of the facts stated by Colonel Baird, is such an order as will give to officers therein named the pay of the grades pertaining to the commands exercised by them.

Confining myself solely to the facts stated by Colonel Baird and said orders, I am of opinion that—

If a subordinate officer serving in the Philippine Islands exercised a command above that pertaining to his grade prior to June 30, 1900, under assignment in orders issued by his superior officer and such order was such that the subordinate officer was bound to obey and such assignment in orders was afterwards approved by the commanding general in the Philippine Islands, the subordinate officer so exercising such higher command under such orders would be entitled to the pay and allowances of the grade appropriate to the command so exercised, regardless of whether he exercised such higher command for a period of three months or not.

If a subordinate officer serving in the Philippine Islands exercised a command above that pertaining to his grade after June 30, 1900, under assignment in orders issued by his superior officer and such order was such that the subordinate officer was bound to obey and such assignment in orders was afterwards approved by the commanding general in the Philippine Islands, the subordinate officer so exercising such higher command under such orders would be entitled by said act of May 26 to the pay and allowances of the grade appropriate to the command so exercised, providing such officer exercised such higher command for a continuous period of not less than three months, otherwise such officer would not be entitled to such higher pay.

If a subordinate officer serving in the Philippine Islands exercised a command above that pertaining to his grade by virtue of his being the senior officer present on duty and not under assignment in orders issued by his superior officer and which was afterwards approved by the commanding general in the field, he would not be entitled for exercising such higher command under such circumstances to the pay appropriate to the grade of the command so exercised.

Respectfully,

L. P. MITCHELL,
Assistant Comptroller.

(*Pars. 1446 and 1448, A. R.*)

[Cir. 29, Aug. 28, 1901.]

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VII. *A retired officer of the Army can not receive pay as such while drawing salary as chief clerk of the Department of Agriculture, section 2, act of March 3, 1885, specifically forbidding payment out of money appropriated for that Department to any person receiving at the same time other compensation as an officer or employee of the Government.*

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, February 6, 1901.

F. L. EVANS, esq.,
Disbursing Clerk, Department of Agriculture.

SIR: I have received your letter of the 31st ultimo, as follows:

"By the act of Congress approved June 6, 1900 (chap. 788, first session Fifty-sixth Congress), the President was authorized to nominate and, by and with the advice and consent of the Senate, to appoint Andrew Geddes a captain of infantry in the United States Army and to place him on the

retired list with the rank of captain, etc. Under this authority, on the 18th of December, 1900, he was so nominated by the President; on the 7th day of January, 1901, the nomination was confirmed by the Senate; on the 14th instant a commission was issued to him conferring the rank of captain from December 18, 1900, which appointment was accepted on the date of its issue; the oath of office was also taken the same day. On the 26th instant the Secretary of War promulgated Special Orders, No. 22, placing Captain Geddes on the retired list, to take effect on January 14, instant.

"Captain Geddes has been serving for upward of three years as chief clerk of the Department of Agriculture, under appointment by the Secretary of Agriculture. For this service he has been paid salary at the rate of two thousand five hundred dollars ($2,500) per annum. He has this day applied to me for the amount of his salary as chief clerk of this Department for the current month (January, 1901).

"I shall esteem it a favor to be advised by you whether I may legally pay this salary for the whole or any part, of the present month; also whether he will hereafter be entitled to his salary as chief clerk if, at the same time, he receives retired pay as an officer of the Army."

It is assumed that the payment in question has been approved by the Secretary of Agriculture, and hence that it is one to be made by you, concerning which you are authorized by the act of July 31, 1894 (28 Stat., 208), to ask for and obtain a decision from the Comptroller, since, if the question is merely one of the proper use by the Secretary of Agriculture of the appropriations under his control, any request for a decision thereon should be made by him. (1 Comp. Dec., 139, 500.)

Two acts are to be considered in answering your question. Section 2 of the act of July 31, 1894 (28 Stat., 205), provides:

"No person who holds an office the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars shall be appointed to or hold any other office to which compensation is attached unless specially heretofore or hereafter specially authorized thereto by law; but this shall not apply to retired officers of the Army and Navy whenever they may be elected to public office, or whenever the President shall appoint them to office by and with the advice and consent of the Senate."

Mr. Geddes, as chief clerk of the Department of Agriculture, holds an office the annual compensation of which amounts to $2,500, and the office to which he was appointed under authority of the act of June 6, 1900 (31 Stat., 544), has a compensation attached thereto. He is therefore within the general terms of the act, but is exempted by the very terms of the act from its operations, since his appointment as captain in the United States Army upon the retired list is specially authorized by law. The exception in the act as to retired officers of the Army or Navy has no bearing upon his case, since, while he is now a retired officer of the Army, his office as chief clerk of the Department of Agriculture is not a public office to which he was elected, or to which he was appointed by the President by and with the advice and consent of the Senate.

Section 2 of the act of March 3, 1885 (23 Stat., 356), contains the following provision:

"That no part of the money herein or hereafter appropriated for the Department of Agriculture shall be paid to any person, as additional salary or compensation, receiving at the same time other compensation as an officer or employee of the Government."

This act forbids any person who receives compensation as an officer or employee of the Government from receiving any additional salary or compensation from any appropriation made for the Department of Agriculture. Its effect is positively to forbid anything like dualism or pluralism of offices or employments, except without compensation, so far as appropriations for the Department of Agriculture are concerned, either within the Department of Agriculture or in that Department and any other branch of the Government. (Bowler's, 1 Comp. Dec., 29.)

I am of the opinion that this act forbids payment of the sum appropriated for the salary of the chief clerk of the Department of Agriculture to a person receiving at the same time compensation as a retired officer of the Army.

To recapitulate: The act of July 31, 1894, *supra*, when read in connection with that of June 6, 1900, *supra*, does not forbid the appointment of Mr. Geddes as a retired officer of the Army, and hence, in the absence of any contrary provision of law, does not make the payment of his salary in both places illegal; but neither act contains any repeal, express or implied, of the provision of the act of March 3, 1885, *supra*, which forbids any payment to him from the appropriations of the Department of Agriculture if he receives at the same time any compensation otherwise as an officer of the Government. Congress must be presumed to have authorized the appointment with a full knowledge of the restriction contained in the act of March 3, 1885, and since this restriction is not removed in the act of June 6, 1900, and since a full meaning can be given to that act by the appointment of Mr. Geddes, it must be held that for any time during which Mr. Geddes receives any compensation as an officer of the Army on the retired list he can not be paid any additional compensation from an appropriation of the Department of Agriculture. There is nothing in the law, however, which forbids his holding the two offices or from receiving compensation as chief clerk of the Department of Agriculture, provided he receives no compensation as a retired officer of the Army.

It may be contended that giving to the words "as additional salary or compensation," as found in the act of March 3, 1885, supra, the meaning intended by Congress would limit the withholding of compensation from appropriations of the Department of Agriculture to such persons as did not hold two distinct offices or employments with salaries or compensation fixed by law or regulation, as was

held in the case of United States *v.* Saunders (120 U. S., 126, 129), in construing the provisions of section 1765, Revised Statutes. While I think that the construction therein given to section 1765 was eminently right and proper, when considering its language, the same construction applied to the act of March 3, 1885, would be narrow and would take the very life out of the act. At least I feel inclined to resolve the doubt, if there can be said to be a doubt, in favor of the construction I have given. If I am wrong, Mr. Geddes can be righted in the courts. Should I take the opposite view, my decision would bind the Government to the payment of these dual salaries in at least apparent conflict with the plain meaning of this law, and that without redress in the courts.

Before paying Mr. Geddes his salary as Chief Clerk of the Department of Agriculture for any period you should require him to file in consideration of such payment a renunciation of any claim to compensation for the same period in the other office held by him, except, of course, as may be granted by the courts.

Respectfully, R. J. TRACEWELL, *Comptroller.*

(*Par. 1458, A. R.*)

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[Cir. 29, Aug. 28, 1901.]

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A retired officer detailed on college duty under the act of November 3, 1893, entitled to full pay from date of receipt of notice of order detailing him.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, July 25, 1901.

The honorable the SECRETARY OF WAR:

SIR: I am in receipt of your communication of the 8th instant requesting that your Department be advised whether a retired officer of the Army, detailed on college duty, is entitled to active-duty pay from the date of the receipt of the order, or from the date that he reports for such duty.

It appears from the correspondence which accompanies your request that Capt. George K. Spencer, U. S. Army, retired, was (upon his application dated September 29, 1900) detailed by paragraph 13, Special Orders, No. 231, Adjutant-General's Office, October 2, 1900, as professor of military science and tactics at the University of Arkansas, under the provisions of the act of Congress approved November 3, 1893. He reported in person for duty at the university October 11, 1900, from which date he has received the active-duty pay of his rank. Captain Spencer applied for active-duty pay from the date the order detailing him was promulgated, claiming that that was the date from which he was entitled to receive such pay.

The question presented is one of construction and is, from what date is Captain Spencer entitled to receive the full pay of his rank? His application was dated September 29, 1900. He was detailed by Special Orders dated October 2, 1900. He reported at the university for duty October 11, 1900. In indorsement dated May 28, 1901, the Paymaster-General United States Army, says:

"It is the rule in making the first payment to retired officers detailed on college duty to allow active pay only from the date of their reporting at the college for said duty and to the date of their receipt of the order relieving them from such duty."

In indorsement dated June 28, 1901, the Judge-Advocate-General of the Army says:

"This officer was detailed, on his prior request, on October 2, 1900, and it would seem that he is entitled to 'active pay' from that date or at least from the date of notice of such detail. In a military sense the word 'detail' means 'the selection of an individual * * * for a particular service' (Century Dictionary), and it is thought that this officer was 'detailed' within the meaning of the statute from the time he had notice of the detail, his application for the detail being regarded as an acceptance of it. From such notice it was his duty to take steps to enter upon the duties for which he was detailed, and he may be regarded, therefore, as on duty for this purpose."

If Congress had intended that an officer detailed under the provisions of the above act should not receive the full pay of his rank "when so detailed" until he had reported to the "educational institution" and entered upon duty, it would have no doubt so said, but the language of the act is "and when so detailed shall receive the full pay of their rank."

I am of opinion that whenever an officer is detailed by an order issued by proper authority and receives notice of such order the detail under the above act is complete, becomes an accomplished fact, and he is entitled to be paid the full pay of his rank from the date he receives such notice. This is the natural and reasonable construction to place upon said act.

As a matter of fact, an officer "when so detailed" may be engaged in his educational work before as well as after he reports for duty to the institution to which he is detailed.

Respectfully, L. P. MITCHELL,
Assistant Comptroller.

(*Par. 1458, A. R.*)

* * * * * * *

[Cir. 40, Oct. 28, 1901.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

1. *An additional paymaster appointed during the war with Spain was not appointed under the act of April 22, 1898, and amendments authorizing the Volunteer Army for the war with Spain, but he was appointed under section 1184, Revised Statutes, and under section 1183, Revised Statutes, was entitled to his discharge when his services were no longer required (not as a matter of right because of the close of the war with Spain), and is entitled to pay as such to the date he received notice or was legally chargeable with notice of his discharge as such. 2. A volunteer officer discharged by reason of the acceptance of a commission in the Regular Army is not entitled to traveling allowances on such discharge. 3. On accepting a commission in the Regular Army, service being continuous, he is not entitled to extra pay.*

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, September 21, 1901.

The Auditor for the War Department has submitted the following decision for approval, disapproval, or modification:

"In the examination of the claim of Timothy D. Keleher, major and additional paymaster of the Army, the question arises as to the officer's right to pay as a major of volunteers after acceptance of commission as captain and paymaster, United States Army, and his right to travel allowances under act of March 2, 1901 (31 Stat., 902), and to two months' extra pay under act of May 26, 1900 (31 Stat., 217).

"This officer was appointed an additional paymaster of the Army with the rank of major under section 1184, U. S. Revised Statutes. He accepted the appointment May 28, 1898; was appointed captain and paymaster, United States Army, April 16, 1901, under the act of February 2, 1901; accepted that appointment May 4, 1901, and is still in the service. By Special Orders, No. 110, Adjutant-General's Office, dated May 11, 1901, he was by direction of the President discharged 'as major, additional paymaster, United States Volunteers, *only*, to take effect May 11, 1901.' The order of discharge appears to have been received by him at San Francisco, Cal., on or about May 20, 1901."

"The officer appears to have remained on duty as major and additional paymaster, and under bond as such at least to May 19, 1901. He executed bond as captain and paymaster, United States Army, May 20, 1901, which bond was approved June 1, 1901. He was paid as major to May 19, 1901, and as a captain thereafter."

"Section 1184, Revised Statutes, is as follows:

"'When volunteers or militia are called into the service of the United States, and the officers of the Paymaster's Department are not deemed by the President sufficient for the punctual payment of the troops, he may appoint, by and with the advice of the Senate, and add to said corps as many paymasters, to be called additional paymasters, with the rank of major, not exceeding one for every two regiments of volunteers or militia, as he may deem necessary.'

"Section 1185, Revised Statutes, is as follows:

"'Additional paymasters shall be retained in service only so long as they may be required for the payment of volunteers and militia, as provided herein.'

"Major Keleher was not appointed under act of April 22, 1898, and amendments authorizing the Volunteer Army for the war with Spain, but under section 1184, Revised Statutes, and under section 1185, Revised Statutes, he was entitled to his discharge when his services were no longer required.

"The act of May 22, 1898 (30 Stat., 421), provides:

"'That officers of the Regular Army receiving commissions in regiments of engineers, or any other commissions in the Volunteer Army, shall not be held to vacate their offices in the Regular Army by accepting the same, but shall be entitled to receive only the pay and allowances of such volunteer rank while serving as such.'

"While this act makes no provision for volunteers who accepted commissions in the Regular Army, the principle seems to be recognized therein that an officer may hold a commission in the Regular Army at the same time he holds a commission of a higher grade in the Volunteer Army.

"Similar questions to those involved in this case were fully discussed in a decision of the Comptroller's Office dated March 13, 1900 (unpublished), in the case of David M. Sells, lieutenant-colonel, One hundred and seventh United States Colored Troops. In the decision the Assistant Comptroller said:

"'I am of the opinion that the principle to be applied in determining the pay and allowances to which an officer is entitled while serving under a prior commission in the volunteers after having accepted a commission in the Regular Army must be the same whether the commission so accepted is the first commission in the Regular Army or a commission on promotion from one grade to another, and that the right to such pay does not depend upon section 4, act of June 3, 1884 (23 Stat., 35), but continues as long as the necessity for employment of volunteer organizations existed.

"'I therefore accept the opinion of Second Comptroller Upton (Digest Second Comp. Dec., vol. 2,

sec. 759), *supra*, as correct, and hold that David M. Sells was entitled to pay and allowances as lieutenant-colonel of the One hundred and seventh United States Volunteer Infantry to December 3, 1866, when he was relieved from duty as lieutenant-colonel of said regiment, notwithstanding his acceptance of a commission as a captain in the Regular Army on October 8, 1866.'

"In view of the foregoing, I am of the opinion that Major Keleher is entitled to pay and allowances as a major and additional paymaster of the Army to the date he received notice or was legally chargeable with notice of his discharge as such.

"In the same decision, in discussing the officer's right to traveling allowances on discharge as a volunteer only, the Assistant Comptroller said:

"'So far as his right to traveling allowances on said discharge is concerned, it is immaterial whether he is regarded as having vacated his commission as lieutenant-colonel of the One hundred and seventh United States Colored Infantry on the instant of accepting his commission as captain in the Regular Army, or whether he is to be regarded as an officer of the Regular Army holding and serving under a higher commission of the volunteers from the date of such acceptance to the date of muster out of the volunteer service.

"'In either case his discharge from the volunteer service was not a final discharge, but a discharge by way of transfer from one branch of the military service to another; he was therefore not entitled to the traveling allowances $118.75 paid to him on said discharge, and the said amount is a proper charge against any pay or allowances due him from the United States.'

"In view of this opinion I decide that under act of March 2, 1901, a major and additional paymaster of the volunteers, discharged as such by reason of acceptance of a commission in the Regular Army, is not entitled to traveling allowances on such discharge. * * *

"In decision of February 22, 1899 (5 Comp. Dec., 529), in discussing an officer's right to extra pay under act of January 12, 1899, the Assistant Comptroller quoted the following extracts from the decision of the Supreme Court of the United States, in the case of Lewis Merrill (9 Wallace, 614):

"'His theory of the law is that it bestowed a gratuity upon officers of volunteers, and that it makes no difference that he found himself immediately transferred to another branch of the military service by virtue of a commission in the Regular Army, which he held before he was commissioned as a colonel of volunteers and throughout the entire period of that service; but it is not possible to concur in that proposition, as it seems much more reasonable to suppose that the object which Congress had in view was to provide for the loss to which the volunteer officers, when discharged from the military service, were exposed for want of employment before they would be able to resume, to any considerable extent, their accustomed avocations in civil life.' * * *

"'The word service as used in that act means beyond question the military service of the United States, and it is equally clear that no such officer is entitled to that allowance unless it is shown that he was mustered out of the military service of the United States, or was otherwise honorably discharged from that service subsequent to the time specified in the amendatory act. * * *

"'None of the reasons which induced Congress to make the provision under consideration exist in the case of the appellee, as he has never been out of public employment for a moment since he accepted his commission in the Regular Army, and has no occasion to desire to reengage in business pursuits.'

"In commenting on the decision of the Supreme Court the Assistant Comptroller said:

"'The court held that the phrase "mustered out of said service" in the act of March 3, 1865, "means unquestionably that he was mustered out of the military service of the United States." * * *

"'The reasoning and conclusion of the Supreme Court as to the purpose of the acts of March 3, 1865, and July 13, 1866, *supra*, and the meaning of the word "service" and the phrase "mustered out of the service" in said acts apply with equal force to the act of January 12, 1899, now under consideration, and the phrase "mustered out of the service" as used in said act.

"'I am therefore of the opinion and hold that officers and enlisted men of the Regular Army holding commissions in the Volunteer Army, who, on muster out and discharge from service in volunteer organizations, return to duty, rank, and pay in the Regular Army are not entitled to the extra pay provided by the act of January 12, 1899, as they are not discharged from the military service of the United States.'

"In view of the foregoing I am of the opinion and so decide that additional paymasters with the rank of major, discharged as such by reason of acceptance of commissions in the Regular Army, are not entitled to extra pay under the act of May 26, 1900."

In decision of March 16, 1901, in case of Capt. Frederick T. Leigh, Thirty-second Company, United States Volunteer Signal Corps, extra pay and travel pay were allowed to that officer on his discharge to enable him to accept a commission as a volunteer officer under the act of March 2, 1899. The reason for making this allowance was stated as follows:

"He was entitled to his discharge as a matter of right on account of the close of the war with Spain at the time it was granted, and he is, therefore, entitled to extra pay and traveling allowances notwithstanding the fact that his discharge appears to have been granted to enable him to accept a commission as a volunteer officer under the act of March 2, 1899. Having accepted a commission under the act of May 18, 1898 (30 Stat., 417), which provided for service during the existing war, he is considered as having accepted his commission for the war only and was entitled to his discharge at the close thereof."

The present case differs from that of Leigh in that, as stated by the Auditor, Major Keleher's appointment as additional paymaster was not under any of the acts authorizing the Volunteer Army for the war with Spain, but under section 1184, Revised Statutes. He was not, therefore, entitled to his discharge as a matter of right at the close of the war and the decision in the case of Leigh is not applicable to him. His case is similar to that of Sells, cited by the Auditor, and the principles laid down in that case should be applied.

The decision of the Auditor is approved.

L. P. MITCHELL,
Assistant Comptroller.

(*Par. 1472, A. R.*)

[Cir. 44, Dec. 6, 1901.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

The right to travel pay on discharge does not depend upon the performance of any journey. If for any reason the shortest route, which is ordinarily the direct route, is closed or is impracticable for the time being, some longer route which is available becomes, in contemplation of law and regulations, the shortest usually traveled route so long as the impediment continues.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, November 30, 1901.

Henry S. Bradley appealed, October 17, 1901, from the action of the Auditor for the War Department in settlement No. 351877, dated January 14, 1901.

He claimed traveling allowances on his discharge of August 31, 1898, from Guayama, P. R., to Fort Brown, Tex. (Brownsville), via Fort Monroe, instead of via Key West, Fla., and Galveston, Tex., by which route his traveling allowances were paid him as sergeant of the Signal Corps, United States Army.

The Auditor disallowed his claim, as follows:

"Travel allowances paid in full on said discharge. Not having performed journey during quarantine, travel allowances only due by direct route."

In his appeal the claimant insists that the route via Key West and Galveston was impossible at the time by reason of all Florida ports being in close quarantine.

The War Department reports soldier reenlisted September 1, 1893, at Fort Brown, Tex., and discharged August 31, 1898, by expiration of term of service, a sergeant.

On his discharge he was paid travel pay and subsistence by Paymaster Rogers from Guayama, P. R., to Fort Brown, Tex., a distance of 2,309 miles, amounting to $175.57 for travel pay and $34.50 for travel subsistence; total, $210.07. This was via Key West and Galveston, the direct route.

The claimant did not make the journey back to the place of last enlistment as a discharged soldier. The military records show that he reenlisted September 1, 1898, and was on furlough from that date to November 1, 1898.

As he was discharged August 31, 1898, by reason of expiration of term of service, and was not furnished transportation or subsistence in kind, on said discharge he was entitled to traveling allowances by the shortest usually traveled route from Guayama, P. R., to Fort Brown, Tex.

As to what constituted the shortest usually traveled route between said places at the time of the soldier's discharge, the Acting Paymaster-General, United States Army, reported October 25, 1901, as follows:

"The shortest usually traveled route from Guayama to Fort Brown, Tex., in August and September, 1898, and at the present time is via San Juan, P. R., and New York City—distances, Guayama, P. R., to San Juan, P. R., 55 miles; San Juan, P. R., to New York City, 1,559 miles; New York City to Fort Brown, Tex., 2,091 miles; total 3,705 miles."

The topographer of the Post-Office Department reported October 23, 1901, that the shortest mail route between the said places in August and September, 1898, was practically the same as that reported by the Paymaster-General.

It appears from a communication under date of June 4, 1901, addressed to the soldier by direction of the Surgeon-General of the Marine-Hospital Service, that the Florida ports maintained a close quarantine against Cuban and other ports infected with yellow fever from April 1 to December 1, 1898, and that inspection of passengers and baggage was continued during the entire year.

This communication was based upon a report made by the State health officer of Florida.

Section 1290, Revised Statutes, which was in force at the time of the soldier's discharge, provides:

"When a soldier is discharged from the service, except by way of punishment for an offense, he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same

in kind, but in case it shall not do so he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles."

It will be observed that the law contains no reference to the "shortest usually traveled route," but, under a long-established practice, this phrase has been taken into consideration in the determination of distances for purposes of travel allowances and in the computation and payment thereof by paymasters and the accounting officers.

Custom and practice have read the term into the law, as it were, so that computation of traveling allowances by paymasters and the accounting officers, as stated above, has been made according to the distances by the shortest usually traveled routes.

Paragraph 1385 of the Army Regulations, 1895, provides that travel should be computed by taking the distance by the shortest usually traveled route. The term has been generally employed in the laws relating to mileage.

As to what constitutes the shortest usually traveled route, between any two given places, over which a discharged soldier, who is not furnished with transportation and subsistence in kind, is entitled to have his traveling allowances commuted, may not be always easy of determination, but in a general way, it seems to me that it is the route over which a soldier would have been compelled to travel, if he had actually made the journey from place of discharge to place of entry into service; at the time the Government elected, or should have elected, whether it would furnish him transportation and subsistence in kind, or commute the same; which in this case, inasmuch as he reenlisted the following day, is the day of his discharge.

The route which was open, practicable, and available, and traveled by the general public at that time is the shortest usually traveled route over which this soldier is entitled to have his traveling allowances computed, regardless of the fact that he did not actually make the journey.

It is well settled that the right to travel pay on discharge does not depend upon the performance of any journey. If, for any reason, the shortest route, which is ordinarily the direct route, is closed or is impracticable for the time being, some longer route which is available becomes, in contemplation of law and regulations, the shortest usually traveled route so long as the impediment continues.

Any ruling, decision, or practice heretofore made or existing which is in conflict with the views herein expressed is hereby overruled, and hereafter cases of a like character to this will be settled in accordance with the principle of this decision.

It appearing that the shortest usually traveled route in this case from place of discharge to place of last enlistment was via New York, and that the claimant was not furnished transportation and subsistence in kind on discharge for any part of the distance, he will be paid traveling allowances for the correct distance less what he has already received.

Upon a revision of the above-described account, I find and certify a difference of $128.20 due to the claimant from the United States, being $338.27 travel pay and commutation of subsistence from Guayama, Porto Rico, to Fort Brown, Tex., via San Juan and New York, less $210.07 travel pay and subsistence paid by paymaster.

Appropriation: "Pay, etc., of the Army 1899 and prior years." To be reported to Congress. To be paid to Henry S. Bradley, 1st class sergeant, Company F, Signal Corps, Manila, Philippine Islands, when an appropriation shall have been made.

R. J. TRACEWELL,
Comptroller.

(*Pars. 1559 and 1562, A. R.*)

[G. O., 83, June 17, 1901.]

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By direction of the Secretary of War, paragraph 5, General Orders, No. 96, May 19, 1899, from this office, as amended by General Orders, No. 26, March 6, 1900, is further amended to read as follows:

5. An enlisted man a resident of the United States serving in the islands mentioned in paragraph 4 hereof, or in Alaska, who is discharged the service in those islands, or in Alaska, by transfer to another branch of the service; or on his own application, whether by way of favor or by purchase; or because of confinement by the civil authorities; or by way of punishment for an offense or for disability caused by his own misconduct, or on account of fraudulent enlistment is by the operation of section 1290, Revised Statutes, and the act of March 16, 1896 (29 Stat. Large, 63), prevented from being allowed the usual traveling allowances to the place of his enlistment, enrollment, or original muster into the service, but he will be brought

by the Government to the United States on a transport free of charge: *Provided*, That an enlisted man discharged because of confinement by civil authorities, or by way of punishment for an offense, or for disability caused by his own misconduct shall be required to leave the islands or Alaska by the first transport departing for the United States or forfeit the privilege of being sent to the United States at the expense of the Government.

(*Pars. 1421 and 1562, A. R.*)

[G. O. 63, May 3, 1901.]

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By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

The act of Congress approved February 2, 1901, authorizing the appointment of "contract surgeons," and that term being also employed in the act making appropriations for the support of the Army for the fiscal year ending June 30, 1902, the term "acting assistant surgeon" as applied to physicians employed under contract with the Surgeon-General will be discontinued, and the designation "contract surgeon, U. S. Army," will be used in all orders and official correspondence, and contract surgeons will use that term in affixing all official signatures.

(*Par. 1574, A. R.*)

[G. O. 26, Mar. 15, 1902.]

By direction of the Secretary of War, the following rules and regulations regarding the official relations of the contract dental surgeons authorized by the act of Congress approved February 2, 1901, as published in General Orders, No. 9, February 6, 1901, from this office, and their enlisted assistants, to the medical department at military posts where dental surgeons may be serving, are published to the Army for the information and guidance of all concerned:

1. Contract dental surgeons have no official relation to the surgeon of the post, neither have their enlisted assistants detailed under the provisions of paragraph 1581 of the Regulations, except that they may occasionally be attached to the hospital corps detachment for rations and quarters.

2. Contract dental surgeons and their enlisted assistants will be mustered on a muster roll which the contract dental surgeon will sign.

3. Should it for any reason be necessary to recommend the excuse from duty of an officer or enlisted man on account of dental disease, the contract dental surgeon will report the case to the surgeon of the post, who will take it up on his register of sick and wounded; but in other cases no report of dental operations will be made except by the contract dental surgeon.

(*Par. 1581, A. R.*)

[G. O. 14, Feb. 10, 1902.]

By direction of the Secretary of War, section (*a*), paragraph 4, General Orders, No. 113, August 22, 1901, from this office, is amended to read as follows:

4. * * * * * * *

(*a*) Nurses may be discharged from the service (1) at any time when their services are no longer needed, (2) at their own request, supported by good and sufficient reasons, provided their services have been faithful and meritorious, (3) on account of illness, and (4) for misconduct. Recommendation for the discharge of a nurse on account of misconduct will be submitted to the Surgeon-General with a report of the facts after a careful investigation, of which she shall have due notice and at which

she shall have a fair opportunity to be heard in her own defense, and when so discharged the indorsement on the appointment indicating discharge, as provided in paragraph 4 (*c*) of this order, will state "for misconduct" and the word "honorably" will be omitted.

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(*Pars. 1378 and 1661, A. R.*)

[G. O. 68, May 14, 1901.]

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Owing to a misapprehension of the technical meaning of the words "disinfection" and "sanitation," and to the fact that quicklime is more frequently used to prevent infection than to destroy it, the Secretary of War directs that in future quicklime shall as a rule be furnished by the Quartermaster's Department for all purposes and only in exceptionally urgent circumstances by the Medical Department, when it will be used solely for disinfection under the immediate supervision of medical officers.

(*Par. 1668, A. R.*)

[G. O. 65, May 11, 1901.]

By direction of the Secretary of War, the following rules and regulations for the inspection of batteries or emplacements turned over to the artillery, under paragraph 1486 of the Regulations (par. 1692, A. R., edition 1901), and of guns, gun carriages, breechblocks, or any appliances pertaining thereto; of mining casemates or any submarine mining appliances; of instruments of precision of all kinds pertaining to the armament, together with all electrical apparatus which may be turned over to the artillery for use or care, or transferred from the various departments, are published to the Army for the information and guidance of all concerned:

1. As soon as practicable after taking over any battery, emplacement, or mining casemate, under A. R. 1486 (A. R. 1692, edition 1901) the commanding officer will make a careful and thorough inspection, inviting the local engineer officer to accompany him, of the battery, emplacement, mining casemate, magazines, gun carriages, guns, and all mechanical and electrical appliances connected with the battery, submitting a separate and complete report thereon to department headquarters through the artillery district commander.

2. The commanding officer will note the condition of the galleries and magazines with respect to moisture; he will cause all doors to be open and closed and all ammunition hoists to be operated with full charges of ammunition if on hand; he will note if the means of ammunition supply is adequate to the most rapid fire obtainable from the guns; he will inspect all drains and ascertain whether they are free and open, the condition of the parapet with respect to gullies, and note the prevalence of drifting sand; he will inspect all ramps, roads, and covered ways connected with the battery.

3. If guns have been mounted, they must previous to inspection be put in condition for service. They will be run to and from battery and the action of all mechanisms connected with the gun will be tested. Each gun must be traversed several times between the stops to test the operation; the gun must be brought to bear upon two or more reference points, the azimuth being carefully noted in order to determine whether the center of motion of the carriage is concentric with the traverse circle. Test the level of the traverse circle, ascertain whether it is properly graduated, and if graduated the orientation should be verified. The graduation and accuracy of the elevating device shall be verified. All breech mechanisms, all bright and working surfaces, and all mechanical appliances pertaining to the gun or car-

riage must be carefully examined for present or previous rust; for this purpose the hidden surfaces of the breechblocks must be exposed and all covers should be removed from gears or other mechanism.

4. Whenever a battery or emplacement is turned over without the guns and carriages mounted the inspection prescribed in paragraph 3 of this order will be made by the commanding officer as soon as the guns are mounted.

5. Whenever any guns, carriages, breechblocks, or any parts thereof, or any implements pertaining thereto, are received at a post the ordnance officer will make a careful and detailed inspection, reporting to the commanding officer their condition. This report will be forwarded to department headquarters through the artillery district commander.

6. Whenever any implement or part of the armament is shipped from the post for repair, for transfer, or for any other purpose a careful inspection and a full report as to its condition will be made by the responsible officer to the post commander, and a copy of such report will be sent to the officer to whom the article is shipped.

7. Whenever a company commander is assigned to a battery he will make a careful inspection of the same, with detailed report as to its condition to the post commander. This report will be compared with the report of the preceding battery commander, and if any deterioration is found to have occurred the commanding officer will cause an investigation to be made as to the cause thereof. The report of such investigation will be forwarded to department headquarters through the artillery district commander.

8. The commanding officer will inspect the battery commander's station and report as to what trees or other obstructions should be removed in order to give the position finder a field of view equal to the field of fire of the battery.

9. The power plant of the central station, or of separate batteries, including their boilers, engines, dynamos, storage batteries, and switch boards, must be thoroughly tested. Fire shall be started in the cold boiler and the time required to get up steam or power noted. The station equipment must comply with the requirements of the Drill Regulations, Coast Artillery, pages 69, 70, and 71. The wiring in the station must be in plain view, and wires of different polarity or with great differences of potential within them must be so located as to preclude all possibility of their coming in contact. The overhead lines and the conduits leading from the power plant to the gun emplacements must be inspected and tested for insulation. The current must be turned on the mains and inspection made to ascertain whether all the lights burn properly, and whether they are so placed as to give sufficient illumination for the reading of verniers and dials of the system of communication. All switches and junction boxes must be carefully examined and the insulation of the entire system determined. If the guns or hoists are worked by electric power, all motors used in the system must be operated and the time required to traverse the gun, elevate it, retract it from the battery, and to hoist the ammunition, and the amount of current used in these various operations must be carefully noted. A similar inspection must be made whenever a new electric plant at any post is turned over to the artillery. Commanding officers may detail officers who are skilled in such work to make the technical tests required. The reports of these officers will accompany the report of the commanding officer.

10. Whenever any searchlights, position finders, dial telegraphs, or other instruments for use in fire control and direction are received at a post, an officer skilled in their use will be detailed to test them and report as to their condition. The same action will be taken upon these reports as is prescribed in paragraph 6.

11. Whenever submarine-mining equipments are turned over by the Engineer Department to the artillery, an officer skilled in the use of the same will, if possible, be detailed to inspect the property. In case no such officer is available, the officer receiving this property will be governed by the following directions:

a. Inspect all transformers, switch boards, operating boxes, storage batteries, electric-light equipment, circuit closers, regulator plugs, cut-out fuses, and other electrical instruments to see that they are free from rust and in good working order, and whenever possible test the various apparatus to determine if the circuits are complete and insulation good.

b. All engines and other mechanical appliances must be inspected to see if they are complete and in a good state of preservation.

c. All mine cases, compound plugs, tools, anchors, junction boxes, shackles, closed sockets, rope, and other stores must be examined and their condition noted.

d. Cables and insulated wire must be stored under water if practicable. All material of this character turned over as "serviceable" should be tested for insulation before receipting for the same.

12. Whenever standard systems have been adopted and regulations have been issued prescribing the same, any deviation will be noted in the reports.

(*Par. 1692, A. R.*)

[G. O. 84, June 19, 1901.]

By direction of the Secretary of War, commanding officers of batteries of field artillery will submit timely requisitions to the Chief of Ordnance of the Army for .38-caliber Colt's revolvers, pistol holsters, revolver cartridge belts (woven), and ammunition to replace the .45-caliber Colt's revolvers, pistol holsters, and ammunition now in use in these organizations, and upon receipt of the new equipment will turn the .45-caliber revolvers in to the Springfield Armory, Springfield, Mass.; the pistol holsters to Rock Island Arsenal, Rock Island, Ill., and the ammunition to Frankford Arsenal, Philadelphia, Pa.

(*Par. 1700, A. R.*)

[G. O. 42, May 10, 1902.]

I. By direction of the Secretary of War, the following instructions are published to the Army for the information and guidance of all concerned:

1. An examination of ordnance property returns having shown that commanding officers of cavalry troops have on hand an excessive number of surplus horse equipments, it is directed that upon receipt of this order all surplus horse equipments above the authorized strength of the troop, except five extra, which may be retained, be turned in; those in the United States to Rock Island Arsenal, Rock Island, Ill.; those in the division of the Philippines to the Manila ordnance depot, Manila, P. I.

2. Commanding officers of troops of cavalry will make immediate requisition for hand guards with sight-protecting shoulder for U. S. magazine carbines, caliber .30, in all cases where these have not already been provided.

(*Par. 1717, A. R.*)

[G. O. 135, Oct. 16, 1901.]

By direction of the Acting Secretary of War, the following instructions relative to making repairs and furnishing ordnance supplies to field batteries in the United States are published for the information of all concerned:

Whenever repairs to field battery material except the breech mechanism are required, commanding officers of field batteries are authorized to communicate directly with the commanding officer, Rock Island Arsenal. Whenever repairs to breech mechanisms are required, battery commanders are authorized to communicate directly with the commanding officer, Watervliet Arsenal. The commanding officers of these arsenals have been instructed to comply with requests to make repairs needed.

Whenever standard ordnance supplies pertaining to field batteries (except guns, carriages, caissons, limbers, wagons, and ammunition) are required, battery commanders are authorized to send requisitions direct for the same, as follows:

In the Department of the East, to the commanding officer, Watervliet Arsenal.

In the Departments of the Lakes, the Missouri, the Colorado, and Dakota, to the commanding officer, Rock Island Arsenal.

In the Department of Texas, to the commanding officer, San Antonio Arsenal.

In the Departments of California and the Columbia, to the commanding officer, Benicia Arsenal.

The commanding officers of the arsenals named have been instructed to furnish the supplies asked for to the extent authorized by regulations.

Requisitions for guns, carriages, caissons, limbers, wagons, and ammunition will, as heretofore, be sent through military channels to the Chief of Ordnance, except that in the Department of California and the Columbia requisitions for ammunition will be sent through military channels to the commanding officer, Benicia Arsenal.

(*Par. 1721, A. R.*)

[G. O. 154, Nov. 26, 1901.]

By direction of the Secretary of War the following instructions relative to the issues of ordnance stores to troops serving in the United States are published for the information of all concerned:

1. Whenever the following-named ordnance stores and supplies, viz, small arms, small-arms ammunition, infantry equipments, cleaning material, small-arms targets and material, reloading tools, stencil and marking outfits, arm racks, cavalry equipments, fencing implements, and saddler materials, are required by post ordnance officers and company commanders, department commanders are authorized to send requisitions direct to the arsenals the commanding officers of which have been instructed to furnish the supplies required to the extent authorized by existing regulations.

DEPARTMENT OF THE EAST.

To the commanding officers New York Arsenal, N. Y.; Watervliet Arsenal, N. Y., and Augusta Arsenal, Ga., depending upon the locality. Requisitions for small arms in this department may also be sent to Springfield Armory, Mass., and for small-arms cartridges to that armory and to Frankford Arsenal, Pa.

DEPARTMENT OF TEXAS.

To the commanding officer San Antonio Arsenal, Tex., as heretofore.

DEPARTMENTS OF THE LAKES, THE MISSOURI, THE COLORADO, AND DAKOTA.

To the commanding officer Rock Island Arsenal, Ill.

DEPARTMENTS OF THE COLUMBIA AND CALIFORNIA.

To the commanding officer Benicia Arsenal, Cal., as heretofore.

2. Requisitions for ordnance stores, except as above noted, will as heretofore be forwarded through military channels to the Chief of Ordnance, U. S. Army, Washington, D. C., except in the Departments of the Columbia and California, where requisitions will be forwarded through military channels to the commanding officer, Benicia Arsenal, Cal.

(*Par. 1721, A. R.*)

CHANGES IN THE ARMY REGULATIONS SINCE JUNE 30, 1902, TO DECEMBER 31, 1902.

[G. O. 119, Nov. 21, 1902.]

27. A soldier to be eligible for the position of candidate for promotion must be a citizen of the United States, unmarried, not over thirty years of age on the 1st of September following his preliminary examination, and of good moral character both before and after enlistment. An applicant will not be ordered for the preliminary examination unless it is apparent that on the 1st of September next following he will have served honorably not less than two years. Such service need not have been continuous, but must have been rendered as an officer or enlisted man in the regular or volunteer forces, or as a cadet at the Military Academy, unless such cadet was discharged for deficiency in conduct or studies, in which case he will not be entitled to appointment in advance of the graduation of his class. The competitor at the date of his application must be an enlisted man of the Regular Army. Applications will be made to department commanders on or before February 1st of each year, and company commanders in forwarding them will verify the statement of service submitted by enlisted men of their respective commands.

[G. O. 119, Nov. 21, 1902.]

30. An applicant who has passed a departmental board, but has failed to pass the competitive board, may again be examined by the competitive board on proper application made through department headquarters; he will not be required to pass a departmental board a second time. An applicant who twice fails in competitive examination to obtain a certificate of eligibility as candidate for promotion can not again compete for that position.

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[G. O. 82, July 19, 1902.]

50. Chaplains will render, through military channels, monthly reports of the duties performed by them, and of all births, baptisms, marriages, and deaths occurring at their stations. The reports will be made in duplicate on Form No. 73, Adjutant-General's Office, and one copy will be forwarded to the Adjutant-General of the Army and the other filed with the post records.

[G. O. 82, July 19, 1902.]

101. An application for appointment must be in the handwriting of the applicant, and will briefly state the length and nature of his military service, and for what time and in what organizations he has served as a noncommissioned officer. The company commander will indorse thereon the character of the applicant and his

opinion as to his intelligence and fitness for the position. The application so indorsed will be submitted to the regimental or artillery district commander, who will forward the same, with his remarks as to the merits of the applicant, to the Adjutant-General of the Army.

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[G. O. 119, Nov. 21, 1902.]

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112. Each sergeant of the post noncommissioned staff will make such personal reports as may be required by the head of the staff department to which he belongs. Each electrician-sergeant and sergeant-major of the Artillery Corps will make such personal reports as may be required by the Chief of Artillery. The officer under whose orders these noncommissioned officers are serving will indorse on each separate report his opinion of the manner in which the sergeant has performed his duties, and the post commander will forward the report direct to the chief of bureau or, in the case of electrician-sergeants or sergeants-major of the Artillery Corps, to the Chief of Artillery.

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[G. O. 82, July 19, 1902.]

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123. When the station of an enlisted man is changed while he is on furlough he will on joining his new station be entitled to travel allowances from the place of the receipt of the order to the new station, provided the distance is not greater than that from the old to the new station; but if the distance be greater he will be entitled to travel allowances for a distance equal to that from the old to the new station only. An enlisted man under orders to change station who takes advantage of a furlough before he joins his new station is not deprived of the travel allowances to which he would be entitled had he not availed himself of the furlough. A soldier who has returned from furlough to the station from which furloughed, his company having in his absence changed station, is entitled to transportation at the expense of the Government to the new station of his company. Charges for transportation furnished to enlisted men on furlough in pursuance of paragraph 121 will be adjusted in accordance with the requirements of this regulation.

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[G. O. 119, Nov. 21, 1902.]

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170. When transportation in kind is furnished a discharged soldier to enable him to reach a paymaster the quartermaster will note on the final statements that "transportation in kind from ..... to ..... has been furnished," stating the cost thereof, which will be deducted by the paymaster. If a soldier, discharged at the place of his enlistment, be furnished with transportation to enable him to reach a paymaster the cost thereof will be ascertained and noted on his final statements, to be deducted by the paymaster.

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[G. O. 119, Nov. 21, 1902.]

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227. The following books of record will be kept at each post: An order book, a letters-received book, an index book for letters received, a letters-sent book, an index

book for letters sent, a post council of administration book, furnished by the Quartermaster's Department; a post descriptive book, a post-clothing book, a morning-report book, and a guard-report book, furnished by the Adjutant-General of the Army; a post-exchange council book, provided by the post exchange. At posts with field batteries the book of artillery record required by paragraph 408 will be kept; it will be supplied by the Ordnance Department. All copies of all returns and reports rendered, if not contained in the book of orders received, letters sent, all letters received which are not required to be returned, in fine, all official papers which relate to post administration and which are required to be kept at the post will be filed and preserved as a part of the post records. The records will not be removed from the post except on its discontinuance. Commanding officers will see that the records are accurately kept and are properly transferred to their successors.

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[G. O. 119, Nov. 21, 1902.]

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261. A captain may hold the position of regimental or artillery staff officer for four years only, and a lieutenant that of squadron, battalion, or artillery staff officer for two years only, whether in the same or different offices. No officer will be eligible for a second tour, nor for appointment or reappointment, except to serve an unexpired term, until he shall have served two years as a troop, battery, or company officer, but the time an officer may have previously served as a lieutenant in the position of regimental, squadron, battalion, artillery, or post staff officer will not be included in computing the four years for which he may serve on the regimental or artillery staff as a captain.

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[G. O. 82, July 19, 1902.]

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407. At all posts with fixed batteries, the position of every gun, mounted or to be mounted, will have its number, which will be placed on the gun when in position.

Guns and mortars arranged in line will be numbered from right to left, in separate series for each battery.

Mortar pits arranged in line will be lettered in series from right to left—A, B, C, D, etc.

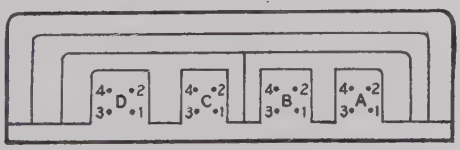

Fig. 1.

Mortar pits grouped as in the square battery emplacements will be lettered as follows:

A—The right rear pit.

B—The right front pit.

C—The left rear pit.

D—The left front pit.

The mortars in each pit will be numbered in series as follows:

No. 1—The right rear mortar.

No. 2—The right front mortar.
No. 3—The left rear mortar.
No. 4—The left front mortar.

The mortar-pit letter will be painted with its middle at the intersection of the diagonals of the front vertical wall of the pit, the letter to be block, 10 inches high and 8 inches wide, painted in white on circular black background 16 inches in diameter.

The mortar number will be placed on the highest point of the mortar, halfway between the axis of the trunnions and the face of the breech, the top of the number toward the trunnion. The number will be block, 3 inches high and 2 inches wide, painted in white.

The tactical numbers of the guns of 8 inches caliber and upward will be painted on the left half of the horizontal diameter of the face of the breech, halfway between the left edge of the breechblock and outside the piece; numbers to be block, 3 inches high and 2 inches wide, painted in white.

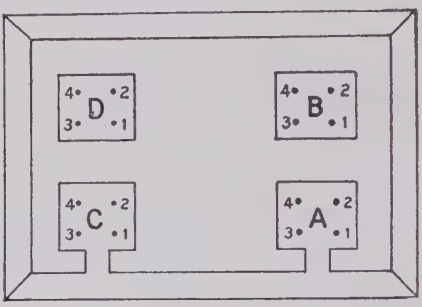

Fig. 2.

The tactical numbers of guns of caliber less than 8 inches will be similarly located, except that the number will be 1½ inches high and 1 inch wide.

Stencils for all gun and mortar letters will be furnished by the Ordnance Department.

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[G. O. 119, Nov. 21, 1902.]

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415. In addition to such reports as may be required by instructions and orders governing artillery practice the commanding officer of a post, battery, or company will forward through the ordnance officer of the department, for the information of the Chief of Ordnance, on forms supplied by the Ordnance Department, a report of each shot fired in practice, instruction, and active service.

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[G. O. 128, Dec. 16, 1902.]

465. Salutes will be fired between sunrise and sunset only and, as a rule, not on Sunday, unless required by international courtesy. The national flag will always be displayed at the time of firing a salute.

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[G. O. 128, Dec. 16, 1902.]

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466. The national salute is 21 guns. It is also the salute to a national flag. The salute to the Union, commemorative of the Declaration of Independence and consisting of 1 gun for each State, is fired at noon on July 4 at every post provided with suitable artillery.

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[G. O. 128, Dec. 16, 1902.]

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468. An ex-President of the United States receives a salute of 21 guns; the Vice-President and President of the Senate and American or foreign ambassadors receive a salute of 19 guns; members of the Cabinet, the Chief Justice, the Speaker of the House of Representatives, a committee of Congress officially visiting a military post, governors within their respective States or Territories, and the civil governor of the Philippine Islands, receive 17 guns; the vice-governor of the Philippine Islands receives 15 guns. A governor-general receives a salute of 17 guns. The term "governor-general" shall be taken to mean an administrative office under whom officers with the title of governor are acting. The Assistant Secretary of War or the Assistant Secretary of the Navy, when officially visiting a military post, receives a salute of 15 guns.

[G. O. 119, Nov. 21, 1902.]

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891. All public records and papers, such as letters and telegrams received, books of general and special orders and circulars, books of letters received and sent, guard report, morning report, descriptive and clothing, sick reports, etc., are the property of the United States, and will be required by the War Department in the settlement of claims against the Government, and for other official purposes. Whenever posts, districts, geographical departments, corps, divisions, brigades, regiments, and companies are discontinued all such records will be carefully labeled and packed and marked, showing the command to which they pertain, and forwarded by express to the Adjutant-General of the Army. Records of discontinued depots of the staff departments will be forwarded direct to the chief of the staff department to which they pertain.

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[G. O. 119, Nov. 21, 1902.]

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900. Efficiency reports will be made at the close of each fiscal year:

1. By the commander of each department respecting each officer of his personal and departmental staff and each officer who has commanded a post or important camp, or has been in charge of a supply depot under his command, and by each officer of the Corps of Engineers in charge of an engineering division respecting each officer under his orders.

2. By the chief of each bureau respecting each officer of the Army who is not otherwise reported upon under these regulations, but who reports directly to the bureau chief.

3. By the commanding officer of each post (see section 4 of this paragraph), important camp, arsenal, or armory; by each officer in charge of a depot, engineer in local charge of works, the commandant of each service school, and the superintendent of the Military Academy respecting each officer of the Army serving at any such post, camp, station, school, etc., during the year.

4. By the commanding officer, artillery subpost, Fort Riley, Kans., and by the commanding officers of battalions of field artillery, reports to be forwarded to the Adjutant-General of the Army through post and other commanders.

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[G. O. 119, Nov. 21, 1902.]

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901. All efficiency reports respecting regimental officers will be forwarded to the Adjutant-General of the Army; those respecting officers of the Artillery Corps to the Adjutant-General of the Army through the commanding officers of artillery districts and other commanders, and those respecting officers of the staff corps and departments to the chiefs of bureaus through intermediate commanders, who will indorse thereon such remarks as may be proper in each case.

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[G. O. 82, July 19, 1902.]

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1009. If there are any prisoners with no record of charges against them, the old officer of the day will report that fact to the commanding officer, who will give the necessary instructions.

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[G. O. 82, July 19, 1902.]

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1287. Estimates of clothing and equipage will be made quarterly, as follows: On January 1 for the quarter ending June 30; on April 1 for the quarter ending September 30; on July 1 for the quarter ending December 31; On October 1 for the quarter ending March 31.

They will be prepared by the post quartermasters on the prescribed form (No. 53), based upon the authorized strength of the command, and will show the quantities and sizes of the articles required and the quantities on hand. These estimates will be made in quadruplicate. Post commanders will, prior to the rendition of these estimates, ascertain from company or detachment commanders, by circular memorandum (Form 57), the probable needs of each subordinate command for the period covered by the estimates, and refer said circular memorandum to the post quartermasters on or before the 25th day of the month preceding the date on which the quarterly post estimates are to be prepared.

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[G. O. 82, July 19, 1902.]

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1288. After these estimates have been approved by the post commander, one copy will be retained by the quartermaster for post purposes and three copies forwarded

to the chief quartermaster of the department, accompanied by a list of such articles on hand as will not be required at post during the period for which the estimate is rendered. This list will show the exact condition and sizes.

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[G. O. 82, July 19, 1902.]

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1289. The chief quartermaster, upon receipt of the several post estimates, will carefully revise the same and order the issue from surplus reported in the lists accompanying the various estimates, of such articles as can be utilized, noting the articles thus ordered upon the estimates, and subtracting from the articles called for the articles supplied from surplus and noting upon the proper line provided in the blank form the articles remaining to be furnished.

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[G. O. 82, July 19, 1902.]

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1290. After such action and approval by department commander, one copy of the estimate will be retained in the office of the chief quartermaster and the other two copies forwarded direct to the Quartermaster-General, so as to reach his office not later than February 1, May 1, August 1, and November 1, respectively. Each post estimate will be accompanied by the original list of surplus property modified so as to show the articles which have been absorbed and the quantities that can still be made use of in filling estimates from posts in other departments.

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[G. O. 82, July 19, 1902.]

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1291. Should the quantity of clothing and equipage supplied upon the quarterly estimates prove inadequate, a special requisition in triplicate, giving reasons therefor, should be made and forwarded to the chief quartermaster, and after approval by the department commander, one copy will be retained for record in the office of the chief quartermaster and the remaining two copies forwarded direct to the Quartermaster-General. In case of absolute necessity call for such articles as are urgently needed may be made by telegraph.

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[G. O. 82, July 19, 1902.]

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1292. Officers of the recruiting service will, in order to prevent any unnecessary accumulations at their respective stations, forward special requisition for such articles of clothing and equipage as may be needed in the immediate future. Such requisitions will be made in duplicate and forwarded to the Quartermaster-General direct, accompanied by a list of such surplus property as may be on hand and not required. The condition of such property and the sizes of the clothing will also be stated.

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[G. O. 82, July 19, 1902.]

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1293. Clothing and equipage required by the detachments of Ordnance and the Signal Corps will be estimated for at the dates and for the periods indicated in paragraph 1287. The estimates will be made in triplicate, and, after retaining one copy for purposes of record, the remaining two copies will be forwarded to the Quartermaster-General direct, together with lists of property on hand in excess of requirements for the period for which the estimate is made; and its exact condition and sizes stated.

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[G. O. 82, July 19, 1902.]

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1294. Estimates for clothing and equipage for the troops stationed in the Philippine Islands will be made and forwarded to the chief quartermaster of the division as provided in the preceding paragraphs, but instead of forwarding the same to the Quartermaster-General, he will order the supply of such articles as can not be furnished from surplus at posts from the supply depots under his direction.

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[G. O. 82, July 19, 1902.]

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1295. To enable post quartermasters to form an approximate basis as to the sizes required, each company or detachment commander will, whenever called upon, furnish that officer with a statement of the sizes of the various garments worn by the enlisted men composing said commands.

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[G. O. 82, July 19, 1902.]

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1310. Whenever the necessity for the issue is certified by the post commander, arctic overshoes, fur gauntlets and caps, and woolen mittens, conforming to patterns in the office of the Quartermaster-General, will be issued at cost prices at the rate of one pair of overshoes, gauntlets, and mittens, and one cap to each enlisted man per annum. These articles do not form part of the annual money allowance for clothing.

Canvas mittens and blanket-lined canvas caps, conforming to patterns in the office of the Quartermaster-General, will be supplied to troops serving in extremely cold regions and to troops stationed at West Point, N. Y., when the necessity for such issue is certified by the post commander, at the rate of one pair of mittens and one cap per man per annum. The voucher will show that this issue is gratuitous and made within the above allowance. Issues in excess of such allowance will be charged to the men at regulation prices. In case of loss or destruction of any of said articles of gratuitous issue without fault or neglect on the part of the soldier to whom they have been intrusted, and so certified to by the immediate commanding officer, then the article or articles so lost or destroyed may be replaced without charge to the soldier.

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[G. O. 82, July 19, 1902.]

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II. By direction of the Acting Secretary of War, paragraphs 1313 and 1314 of the Regulations are hereby revoked.

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[G. O. 119, Nov. 21, 1902.]

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1328. The allowance of corn brooms and scrubbing brushes will be as follows:

For each organization having an authorized maximum strength of 150 enlisted men or over, nine brooms and six brushes per month.

For each organization having an authorized maximum strength of 100 enlisted men, more or less, six brooms and four brushes per month.

Two brooms and one brush per month to each regimental band.

Three brooms and two brushes per annum for each noncommissioned staff officer, including those of posts, regiments, squadrons, battalions, and the Artillery Corps.

Six cans of concentrated lye and six cakes of sapolio per month to each company, troop, battery, and one-half that quantity to each band.

Six brushes per annum to each post bakery.

Twelve brooms and eight brushes per annum to each city recruiting station.

They will habitually be drawn quarterly, but may be drawn when needed. If less than the maximum allowance be drawn in one quarter credit can not be given in another.

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[G. O. 119, Nov. 19, 1902.]

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1377. A ration is the allowance for the subsistence of one person for one day and varies in components according to the station of the troops or the nature of the duty performed, being severally known as the garrison ration, the field ration, the travel ration, the Filipino ration, and the emergency ration. The garrison ration is issued to troops in garrison or in permanent camps; the field ration to troops not in garrison or permanent camps; the travel ration to troops traveling otherwise than by marching, or when for short periods they are separated from cooking facilities; the Filipino ration for use of the Philippine scouts, and the emergency ration to troops in active campaign for use on occasions of emergency.

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[G. O. 119, Nov. 19, 1902.]

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1378. Enlisted men, prisoners of war, military prisoners at posts, hospital matrons, and nurses in the Nurse Corps are each entitled to one ration in kind per day, according to the station or the nature of the service; and when the rate of pay of a civilian employed with the Army does not exceed $60 per month, if the circumstances of his service make it necessary and the terms of his engagement provide for it, there may be issued to him in kind one garrison or field ration per day, according to the exigencies of the case.

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[G. O. 119, Nov. 19, 1902.]

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II. By direction of the Secretary of War, paragraph 1380 of the Regulations of 1901, amended by General Orders, No. 130, October 3, 1901, from this office, is further amended by adding the following section:

1380.

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4. Filipino ration.

Articles.	Quantities per ration.		Quantities per 100 rations.		
	Ounces.	*Gills.*	*Pounds.*	*Ounces.*	*Quarts.*
MEAT COMPONENTS.					
Fresh beef	12		75		
Or bacon	6		37½		
Or canned roast beef	8		50		
Or canned corned beef	8		50		
Or canned salmon	12		75		
Or codfish, dried	8		50		
Or fresh fish	12		75		
BREAD COMPONENTS.					
Flour	16		100		
Or hard bread	16		100		
Or rice	28		175		
VEGETABLE COMPONENTS.					
Potatoes	4		25		
Or onions	2		12½		
COFFEE AND SUGAR COMPONENTS.					
Coffee	⅔		2½		
Sugar	1		6¼		
SEASONING COMPONENTS.					
Vinegar		2/25			1
Salt	16/25		4		
Pepper, black	3/50			2	
SOAP AND CANDLE COMPONENTS.					
Soap	8/25		2		
Candles	3/25			12	

[G. O. 119, Nov. 19, 1902.]

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1387. In adjusting charges to be made against enlisted men or others on account of increased expense to the Government for their subsistence, the value of the garrison, field, and Filipino rations will be estimated at 20 cents each; that of the travel ration at 40 cents.

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[G. O. 119, Nov. 19, 1902.]

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1407. All articles of the ration (excepting fresh beef, mutton, canned meats—except canned bacon—beef and vegetable stew, dried, pickled, or canned fish, soft bread, hard bread, baking powder, fresh or desiccated vegetables, dried fruit, jam, and cucumber pickles) due a company, bakery, or other military organization, and not needed for consumption will, if public loss will not result, be retained for reissue by the commissary and will be paid for by him as savings at the invoice prices. All savings of bacon must be paid for at prices of crate bacon. Savings not needed by the commissary for reissue may be sold by companies, bakeries, or other organizations to any purchasers.

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[G. O. 119, Nov. 19, 1902.]

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COMMUTATION.

1410. Commutation of rations may be allowed at the following rates, under the conditions mentioned, viz:

Conditions.	Rate per day each.	
	Enlisted men and nurses.	Philippine scouts.
1. To enlisted men, Philippine scouts, male or female nurses on the expiration of their furloughs or leaves, provided that on or before the last day thereof they have reported at their proper stations or have been discharged	$0.25	$0.25
2. To sergeants of the post noncommissioned staff (and enlisted men acting as such) on duty at forts and stations where there are no other troops	.40	.....
3. To an enlisted man, a Philippine scout, or a male or female nurse on detached duty, stationed in a city or town where subsistence is not furnished by the Government	.75	.50
4. To an enlisted man or a Philippine scout traveling under orders from a place or station at which his rations have been regularly commuted	1.50	.75
5. To an enlisted man or a Philippine scout traveling under orders alone, when the journey can not be performed in twenty-four hours and it is impracticable to carry rations of any kind (which fact must be stated in the order directing the journey)	1.50	.75
6. To two enlisted men or Philippine scouts traveling under orders as a detachment, or traveling under orders as a guard to an insane patient or military prisoner, when the journey can not be performed in twenty-four hours and it is impracticable to carry rations of any kind (which fact must be stated in the order directing the journey), each	1.50	.75
7. To an insane patient or military prisoner traveling under orders under guard of one or two enlisted men or Philippine scouts, when the journey can not be performed in twenty-four hours and it is impracticable to carry rations of any kind (which fact must be stated in the order directing the journey), to be paid on the order of the commanding officer in advance to, and to be receipted for by, the person to whose charge the patient or military prisoner is committed by the order	1.50	.75
8. To enlisted men or Philippine scouts selected to contest for places or prizes in department or army rifle competitions, while traveling under orders to and from places of contest, when the journey can not be performed in twenty-four hours and it is impracticable to carry rations of any kind (which fact must be stated in the order), each	1.50	.75

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[G. O. 82, July 19, 1902.]

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1431. Sales may be made on credit to officers and enlisted men who have not been regularly paid or who are in the field. Officers will certify that the stores are for their own use and receipt for them. Enlisted men will obtain permits from their company commanders, approved by the commanding officer, for purchases on credit. Permits will not be given to a soldier in excess of the unencumbered pay due him nor in any month in excess of his monthly pay. A recruit may be furnished on credit with such of the following articles as may be needed by him, viz: A hand basin, a piece of soap, a toothbrush, two towels, a comb, a hairbrush, a shoebrush, and a box of shoeblacking, a whisk broom, and not to exceed 1 pound of tobacco.

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[G. O. 119, Nov. 19, 1902.]

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1475. In the settlement of the mileage accounts of officers of the Army distances shall be determined and deductions computed over routes established and by mileage

tables prepared by the Paymaster-General of the Army under the direction of the Secretary of War; and all payments made by paymasters on account of mileage shall be determined in accordance with the distance tables officially promulgated and in use at the date of the commencement of the journey. Exception to this rule will be made only when the terms of the order, or the impracticability of the shortest usually traveled route, compel the officer to take another, or when the journey is performed by a route shorter than that usually traveled. In such cases travel allowances will be computed over the actually traveled route.

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[G. O. 82, July 19, 1902.]

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1492. An officer does not lose his right to quarters or commutation at his permanent station by a temporary absence on duty. While he continues to hold that right and exercises it by constructive occupation or use of any kind, he can not legally demand quarters nor commutation at any other station. Exceptions to this rule may be made by the general commanding the troops in the Philippine Islands in cases arising in his command; in all other cases by the Secretary of War, upon the approval of the commanding general of the department.

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[G. O. 119, Nov. 21, 1902.]

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1520. Should a soldier die or desert in the interval between signing the pay rolls and the receipt of the money at the post from the paymaster the check or cash will be immediately returned to the paymaster, the cash by express, the check by registered mail, and a note of explanation stating the fact of nonpayment and return of the check or money will be made on the roll, verified by the signature of the witnessing officer. The same course will be pursued should a soldier decline to receive his pay or if for any other reason it should be impracticable to deliver it to him in person. When a paymaster has had money returned to him in such cases he will cancel the signature of the soldier on the roll.

Should it appear from the pay rolls submitted to the paymaster that the term of any soldier thereon will expire and he be discharged before the pay rolls and money can be received back at the post, the paymaster will ignore the man's account and erase his signature from the "receipt" column, and the company commander in preparing such soldier's final statements will note thereon the date of last actual payment and not the date of expiration of muster period for which he has signed the rolls.

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[G. O. 119, Nov. 21, 1902.]

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1531. Every soldier in the Army of the United States absent on distant duty shall be allowed to allot such portion of his pay as he may desire for the support of his family or relatives, for his own savings, or for any other purpose; but the allotment privileges to soldiers serving within the boundaries of the United States will be limited to the support of their families and relatives.

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[G. O. 119, Nov. 21, 1902.]

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1533. All allotments shall be executed in duplicate and witnessed by the respective commanding officers specified in paragraph 1532, one copy to be retained by said commanding officers and the other to be forwarded immediately to the Paymaster General, United States Army. When a bank is designated as allottee the immediate commanding officer of the grantor shall furnish the bank at the same time that he furnishes the allotment roll to the Paymaster General with the signature of the grantor, and also inform the bank of the amount and period of allotment. Such commanding officer shall also, if possible, satisfy himself that the bank named has an existence. An allotment shall be made payable on the last day of each month and for a stated period.

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[G. O. 119, Nov. 21, 1902.]

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1534. On the death, discharge, or desertion of a soldier who has an allotment running the allotment ceases. In case of a forfeiture by sentence of a court-martial, the allotment or so much thereof as is required to meet said forfeiture will be suspended during the period of the sentence, and the immediate commanding officers will report as expeditiously as possible to department or corps commanders the names of grantors whose allotments thus cease or are suspended, as well as cases of reduction of grade of a soldier who has made an allotment whereby his pay has become less than the amount he has allotted. When it is evident that there will be time for such notification to reach the Paymaster-General by mail by the end of the month next following the month in which the forfeiture causing suspension occurs, the company commander will send the notification by mail, but when time does not so permit, notification by cable will be sent by the department or corps commander. When the balance of monthly pay is sufficient to meet the monthly allotment, or when forfeitures or other stoppages can be satisfied from that portion of the pay of the grantor that is paid to himself and so do not require suspension or diminution of the allotment, no notification will be sent to the Paymaster-General. When a soldier who has made an allotment so misbehaves himself as to incur frequent forfeitures of pay, his company commander is authorized to annul his allotment, to take effect one month thereafter, notifying the Paymaster-General immediately by letter, stating the date on which the annulment is to take effect, and making a full report of the case to the department or corps commander.

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[G. O. 82, July 19, 1902.]

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1608. Special instruction in the duties of litter bearers and the methods of rendering first aid to the sick and wounded will be given to all enlisted men of the line of the Army by their company officers for at least four hours in each month, except that such instruction for officers and enlisted men of the seacoast artillery will be

limited to one hour per month. Examinations of men who have qualified will be held, from time to time, by the surgeon, and those found proficient will thereafter only be drilled occasionally to verify the fact that the knowledge imparted has been retained.

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[G. O. 82, July 19, 1902.]

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II.—By direction of the Acting Secretary of War, paragraphs * * * and 1671, of the Regulations, are hereby revoked.

ORDERS AND CIRCULARS RELATING TO AND AFFECTING THE ARMY REGULATIONS SINCE JULY 1, 1902, TO DECEMBER 31, 1902.

[G. O. 68, July 5, 1902.]

The following act of Congress is published for the information and government of all concerned:

AN ACT making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and three:

* * * * * * *

For pay of officers for length of service, to be paid with their current monthly pay, one million sixty-five thousand four hundred and twenty dollars: *Provided*, That officers appointed to the Regular Army from the volunteer service, whose service has been continuous, shall, in the computation of leaves of absence after their appointment in the Regular Army, be entitled to the leave credits which accrued to them as volunteer officers where such leave credits were not availed of during their volunteer service.

(*Par. 56, A. R.*)

* * * * * * *

For traveling expenses of paymasters' clerks and expert accountant of the Inspector-General's Department, twenty-five thousand dollars: *Provided*, That hereafter actual expenses only shall be paid to paymasters' clerks and the expert accountant of the Inspector-General's Department for sea travel when traveling on duty to, from, or between our island possessions.

(*Par. 818, A. R.*)

* * * * * * *

For additional ten per centum increase on pay of commissioned officers serving at foreign stations, four hundred and fifty-one thousand four hundred and fifty-six dollars: *Provided*, That hereafter the pay proper of all commissioned officers and enlisted men serving beyond the limits of the States comprising the Union and the Territories of the United States contiguous thereto shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law for time of peace, and the time of such service shall be counted from the date of departure from said States to the date of return thereto.

(*Par. 1449, A. R.*)

* * * * * * *

Approved, June 30, 1902.

[G. O. 76, July 12, 1902.]

The following acts and joint resolutions of Congress are published for the information and government of all concerned:

* * * * * * *

VII. AN ACT to authorize the Secretary of War to furnish certificates in lieu of lost or destroyed discharges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever satisfactory proof shall be furnished to the War Department that any officer or enlisted man who has been or shall hereafter be honorably discharged from the military service of the United States has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish to such officer or enlisted man, or to the widow of such officer or enlisted man, a certificate of such discharge, to be indelibly marked, so that it may be known as a certificate in lieu of a lost or destroyed discharge: *Provided*, That such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

Approved, July 1, 1902.

(*Par. 155, A. R.*)

* * * * * * *

[G. O. 77, July 14, 1902.]

The department and army infantry competitions, provided for in the "Firing Regulations for Small Arms, 1898," will be resumed.

The department and army cavalry competitions and the officers' competitions will not be held this year.

The department infantry competitions will be timed so as to terminate before August 7.

The army infantry competition will take place at Fort Sheridan, Illinois, commencing August 18, preceded by the usual preliminary practice, and will be under the supervision of the commanding general, Department of the Lakes, who is charged with the arrangements of all the necessary details, and upon completion of the competitions will order all connected with them to return to their respective stations.

The competitors will be directed to report by their respective department commanders at Fort Sheridan not later than August 14.

So far as practicable details of officers and enlisted men for duty in connection with the competitions will be made from the garrison of the post at which the competition is held. Where it is not possible to complete the details from the post at which the competition is to take place additional details may be made from a post or posts nearest to the place of contest.

The travel herein directed is necessary for the public service.

(*Par. 416, A. R.*)

[G. O. 92, Aug. 7, 1902.]

I. By direction of the Acting Secretary of War, when a sergeant of the post noncommissioned staff is discharged the officer under whose orders he is serving will, as early as practicable, notify the head of the staff department to which the sergeant

belongs of the fact of his discharge, setting forth the date, place, and cause and whether or not the soldier reenlisted.

(*Par. 111, A. R.*)

* * * * * * *

[G. O. 115, Nov. 12, 1902.]

By direction of the Secretary of War, a training school for farriers and blacksmiths is hereby established at Fort Riley, Kansas, in connection with the School of Application for Cavalry and Field Artillery.

The classes under instruction will be composed of men specially recommended for that purpose, to be detached from the various organizations of cavalry and field artillery in active service, and of specially selected recruits. The number of men under instruction from time to time will be regulated by the accommodations available at the post, both with reference to the facilities for instruction and the providing of quarters for the men with the various organizations serving at the post.

The Quartermaster's Department will provide such facilities and material as may be necessary to establish the school at an early date. Thereafter requisitions for material will take the usual course. The commanding officer will report from time to time on the needs of this training school with a view to perfecting its methods and equipment.

Recommendations for the detail of men for instruction from the various organizations in active service will be sent to the Adjutant-General of the Army, in order that the number to be ordered for instruction from time to time may not exceed the accommodations available at the post.

(*Par. 541, A. R.*)

[G. O. 121, Nov. 24, 1902.]

I. By direction of the Secretary of War, the following instructions for the preparation of ration returns of civilian employees are published to the Army for the information and guidance of all concerned:

Officers submitting ration returns of civilian employees will certify thereon that the rate of pay does not exceed sixty dollars per month; that the circumstances of the service make the issue of a ration in kind necessary; and that the terms of engagement provide for such issue, as required by paragraph 1378 of the Army Regulations.

In the case of ration returns for officers and crews of seagoing tugs the certificate will state, in addition to the foregoing, that the men are entitled to rations under paragraph 146, Regulations for the Army Transport Service.

(*Pars. 1378 and 1398, A. R.*)

* * * * * * *

[G. O. 121, Nov. 24, 1902.]

* * * * * * *

II. By direction of the Secretary of War, the following instructions relative to experimental ordnance stores issued to troops for trial are published for the information of all concerned:

Whenever experimental ordnance stores issued to troops for trial have been thoroughly tested and reports rendered, the officers charged with responsibility for such stores should report the facts to the Chief of Ordnance, U. S. Army, through military channels, in order that proper instructions for turning in the stores in case no further trials are necessary can be given.

(*Par. 1695, A. R.*)

[G. O. 123, Dec. 5, 1902.]

* * * * * * *

II. In addition to the articles named in paragraph 1404 of the Regulations (amended by General Orders, No. 130, October 3, 1901, from this office), porpoise shoestrings will, by direction of the Secretary of War, be issued to general prisoners when necessary, without, however, exceeding the fifty cents allowed per month by the Regulations for articles authorized to be so supplied.

(*Par. 1404, A. R.*)

[G. O. 125, Dec. 11, 1902.]

By direction of the Acting Secretary of War, the following remarks of the board of officers of November 20, 1902, on medals of honor and certificates of merit, upon the subject of the award of medals of honor, are published to the Army for the information of all concerned:

* * * * * * *

An examination of the published list of "Medals of honor, issued by the War Department, up to and including October 31, 1897," shows that some medals have been awarded for "soldier-like qualities" under the provisions of the resolution of Congress approved July 12, 1862. Under the regulations of the President dated June 26, 1897, published as paragraph 195 of the Army Regulations of 1901 (copy inclosed), medals of honor can not now be awarded solely for "soldier-like qualities," neither can they be awarded for some of the deeds mentioned in the published list referred to, for which medals were conferred prior to 1897. The regulations of the President are based upon the act of Congress approved March 3, 1863, which authorized the President to present medals of honor to "such officers, noncommissioned officers, and privates as have most distinguished, or who may hereafter most distinguish themselves in action," and applications are classified as follows:

1. Those for services rendered prior to January 1, 1890.
2. Those for services rendered subsequent to January 1, 1890.
3. Those for services rendered after June 30, 1897.

Those of the first class embrace the civil-war period, and in most of these cases there is an entire lack of record evidence of individual acts of heroism; that is, of any kind of a record of such acts made at the time. There was no regulation on the subject until 1897, and the great majority of cases rest upon the affidavits of witnesses, embodying statements of their recollection of events that occurred more than thirty-six years ago. With reference to cases subsequent to January 1, 1890, the regulations require recommendations to be made at the time of the action, while cases arising after June 30, 1897, are required to be forwarded within one year after the performance of the act for which the award is claimed, through regular channels, with the opinion of the commanding officers indorsed thereon, after thorough investigation.

If a regulation had been in force during the civil war with requirements similar to those applying to cases since June 30, 1897, no doubt many would have received medals who are now unable to furnish satisfactory evidence, and many now dead would have been thus honored. As a consequence, numerous unrecorded heroes are discriminated against when medals are awarded for service during the civil war upon applications filed long after the event.

The difficulties involved in the decision of cases of this class are great, but the board has been aided and guided in the consideration of cases referred to it by the paragraph (195) of the regulations referred to and by the following decisions of Secretaries and Assistant Secretaries of War:

Assistant Secretary Doe, January 11, 1894 (R. & P., 379769):

"It does not seem to me that Congressional medals of honor were intended to be given to officers for leading their commands in action, whatever measure of gallantry may have been shown in such leadership. As I view the law, these medals were intended as rewards for conspicuous acts of personal bravery or self-sacrifice rather beyond the mere call of duty, and not for acts wholly within the line of official duty, however nobly performed. The application in this case is therefore denied. While the records show most gallant and meritorious service, yet the case does not fall within either the letter or the spirit of the law in reference to medals of honor."

Assistant Secretary Doe, January 22, 1894 (R. & P., 379769):

"I do not concur in the argument or assertion that it would be dangerous to military discipline to encourage the belief that these medals are offered by the Government for service rather beyond the mere call of duty, or that such offer would induce officers or soldiers to do 'not the duty which they had been ordered or required to do, but some other act calculated to attract attention.' The argument does not commend itself to my judgment, for I believe that the American officer, as well as enlisted man, as an almost universal rule, is devoted and faithful to his duty in the highest sense of the word, and no merely possible reward for an exceptionally gallant or distinguished act of heroism or devotion will lead him aside from, or cause him to neglect, his plain duty.

"I am perfectly aware that it is not generally the duty of officers of high rank to lead their troops in action; but when, in great emergencies, the presence at the head of his troops of the commanding officer is necessary to encourage his men, 'it becomes his duty to lead them in the assault;' and since it becomes his duty, and since nearly every officer in the American armies during the last war gallantly fulfilled that duty, I do not believe that such a case is what Congress contemplated in the act above referred to. If a medal of honor were awarded to every officer who bravely led his troops in action the number provided for by Congress would be far too small, as the officers who had the opportunity to so lead and failed to do so are indeed hard to find. If a commanding officer be entitled to this decoration simply because in an emergency, perhaps, he gallantly led his men forward to the attack, wherein has he 'most distinguished' himself above the gallant men who followed him? They did their duty; did he do more?"

Secretary Alger, February 9, 1897 (R. & P., 467908):

"It does not seem to me that Congressional medals of honor were intended to be given to officers for *leading their commands in action, whatever measure of gallantry may have been shown in such leadership.* As I view the law these medals were intended as rewards for conspicuous acts of personal bravery or self-sacrifice rather beyond the mere call of duty, and not for acts wholly within the line of official duty, however nobly performed."

Secretary Alger, July 21, 1897 (R. & P., 477750):

* * * "the papers filed do not point out any 'particular deed of most distinguished gallantry in action' wherein the general distinguished himself *above other leaders* of regiments, brigades, and divisions in battle."

Secretary Alger, July 28, 1897 (R. & P., 469701):

"That the captain gave an order to retreat at the right moment and so saved some 250 brave men from capture seems evident. This shows a clear head and prompt action, but wherein it shows *more* distinguished gallantry than should be awarded to other brave men at his side who had assaulted the enemy's works to reach the advanced position is not apparent."

Secretary Alger, August 4, 1897 (R. & P., 484167):

"The law and present regulations clearly require that, to earn the medal, service shall have been performed of such a conspicuous character as to clearly distinguish the man for gallantry *above his comrades.*"

Secretary Alger, August 17, 1897 (R. & P., 472608):

"A very careful examination of the official and other evidence filed respecting the Port Hudson assault of May 27, 1863, convinces me that to grant medals to the volunteer participants in that assault would be an unjust discrimination against the rest of the Army who also assaulted, incurring great danger and suffering the heavier loss."

Secretary Alger, August 28, 1897 (R. & P., 490506):

* * * "it will be necessary that the claim for the medal shall be based upon some particular deed of most conspicuous gallantry wherein General * * * 's services were distinguished for gallantry and intrepidity *above his comrades in battle.*"

Secretary Alger, September 8, 1897. (R. & P., 489,459):

"It has been repeatedly held that the medal can be earned only through the performance of some particular deed of valor wherein service beyond or above the requirements of duty was performed."

Secretary Alger, September 13, 1897. (R. & P., 491,356):

"*The brave discharge of duty in battle is not by itself sufficient to earn the medal;* something above and beyond what can be required of a man by his superiors is necessary that the medal may be earned."

Secretary Alger, October 16, 1897. (R. & P., 494,880):

"It has been repeatedly held that the Congressional medals of honor were *not intended for officers for leading their commands in action,* whatever measure of bravery they displayed in such leadership, but instead were intended for bestowal in recognition of most conspicuous acts of personal bravery or self-sacrifice above or beyond the mere call of duty."

Secretary Alger, October 26, 1897. (R. & P., 488,270):

"As a member of a field battery in action it was your plain duty to make every possible effort to prevent the guns from falling into the hands of the enemy. Wherein your services were more conspicuous than those of the other men whom you say assisted you is not made plain."

Secretary Alger, October 30, 1897. (R. & P., 491,349):

"It has been repeatedly held that service requisite to earn the Congressional medal shall have been some most conspicuous act of gallantry wherein the man exhibited bravery and self-sacrifice *above or beyond the line of duty.*"

Secretary Alger, November 13, 1897. (R. & P., 476,155):

"It has been repeatedly held that the Congressional medals of honor were *not to be presented to officers for bravely leading their troops in action, no matter what measure of bravery may have been displayed,* for this service is due from the officer as a leader, but instead that the medals are to be conferred for most conspicuous acts of personal gallantry or self-sacrifice rather beyond or above the mere call of duty."

Secretary Alger, March 8, 1898. (R. & P., 511,574):

"The proof must * * * show clearly conduct *most* distinguished for gallantry. Simple performance of duty and *brave leadership in battle is inadequate to earn the medal.*"

Secretary Alger, March 28, 1898. (R. & P., 502,479):

"Your course in incurring great personal danger rather than surrender to the enemy at the time you became separated from your command shows a brave discharge of duty, and the only course that with dignity and honor could have been adopted by a valiant soldier."

Secretary Alger, March 28, 1898. (R. & P., 504,880):

"It is clearly established by the records that the men of this battery all behaved gallantly, although they lost some of their guns; but this case as presented does not show most distinguished gallantry by any member of the organization, and the law contemplates bestowal of the medal only upon those who thus distinguish themselves."

Secretary Alger, March 28, 1898. (R. & P., 465,004):

"His service on that occasion consisted in a brave discharge of duty. That it was attended with great jeopardy is evident, but exposure to great danger by aids-de-camp on the battlefield was to be expected, and the great mortality among personal staff officers proves that their work was most hazardous. In what respect Mr. * * * 's services were *more conspicuous* for gallantry than was due from an aid-de-camp in his situation or than the services of personal staff officers in many thousands of cases is not shown by the evidence."

Assistant Secretary Meiklejohn, April 19, 1898. (R. & P., 514,612):

"The evidence submitted proved conclusively that Major * * * was a gallant officer, that the men of his company were gallant, and that his regiment made an enviable record for efficiency and bravery; but wherein the Major was *more* distinguished for gallantry than his comrades does not appear. I can not see that more is shown on behalf of Major * * * than was due from him at Corinth and Atlanta."

Secretary Root, November 17, 1899 (R. & P., 515790):

"While the service rendered by Major * * * on that occasion, in obedience to orders from his commanding officer, was highly commendable, nevertheless it does not appear to have been of such a conspicuous character as to clearly distinguish him for gallantry and intrepidity *above his fellows.*"

Assistant Secretary Sanger, April 17, 1901 (R. & P., 498838):

"There is no doubt that Colonel * * * and his command made a brilliant and successful charge on the occasion in question, and that the commander's service was most gallant and his leadership intrepid. But, granting all this, and that his conduct was all that it is claimed to have been, the fact remains that he did not perform any act of 'such a conspicuous character as to clearly distinguish him for gallantry and intrepidity *above his comrades*,' for which alone the medal can be awarded under existing regulations."

Assistant Secretary Sanger, June 19, 1901 (R. & P., 642006):

"But, assuming that Colonel * * * 's account of the battle was in every detail accurate, the fact would still remain that Captain * * * received an order to do a certain thing, which was to charge the enemy's flank and hold him in check, thus preventing an overwhelming attack upon the infantry, and assuming that this action was performed at the risk of the annihilation of the entire command and that it saved the day, it would still remain an act of heroic and gallant performance of duty by an officer, in obedience to orders, in accordance with which he displayed intrepid leadership. Under the rules which have governed the award of medals of honor it has been repeatedly decided by the War Department that gallant performance of duty, including brave leadership in battle, does not justify the award of the medal."

In the light of these decisions the board, considering each case upon its merits, has confined recommendations for favorable action to cases of most distinguished personal bravery or self-sacrifice above or beyond the call of duty, including particular deeds of gallantry so conspicuous as to clearly distinguish the soldier above his comrades, involving risk of life or the performance of more than ordinary hazardous duty, and which if omitted or refused to be done would not justly subject the person to censure as for shortcoming or failure in the performance of his duty.

Very respectfully,

S. B. M. YOUNG,
Major-General, U. S. Army, President.

WALLACE F. RANDOLPH,
Chief of Artillery, Member.

JOHN TWEEDALE,
Major, Assistant Chief, Record and Pension Office, Member and Recorder.

H. A. GREENE,
Major of Infantry, U. S. Army, Assistant Adjutant-General, Member.

(*Par. 195., A. R.*)

[G. O. 127, Dec. 16, 1902.]

By direction of the Secretary of War, the following is published for the information and guidance of all concerned:

1. The necessity for the close restriction upon recruiting for the Army imposed by General Orders, No. 108, October 25, 1902, from this office, having now passed, active recruiting for all arms will be resumed as follows:

At military posts, under the provisions of paragraphs 953 and 954 of the Regulations.

At city stations of the general recruiting service, under such special instructions regarding the same as have been or may be given from time to time by the Adjutant General.

2. Until further orders persons under the age of twenty-one years will not be enlisted, and extreme caution must be exercised in the cases of young men applying for enlistment who *claim* to be twenty-one years of age or a few months over that age. The unsupported statements of such applicants must not be accepted, but to be eligible for enlistment they must furnish competent proof to remove any doubt regarding age.

3. Enlistments and reenlistments must be without conditions, and no promise must be made to men upon enlistment regarding service at home or abroad, as they will be assigned according to the best interests of the service.

(*Pars. 953 and 954, A. R.*)

[G. O. 129, Dec. 18, 1902.]

By direction of the Secretary of War, the following instructions relative to ice machines in the Army are published for the information and guidance of all concerned:

1. All ice machines and their equipment now on hand and under the management and control of the Medical Department at posts or stations in the Philippine Islands and Porto Rico will be transferred without delay to the representatives of the Quartermaster's Department at such posts or stations and be taken up and accounted for thereafter on their returns as quartermaster's property.

2. From and after the date the transfer is effected in each case the plant will be operated and controlled by the Quartermaster's Department and all expenses for its operation and maintenance will be borne from the appropriations of that department.

3. Any new plans or additional machinery required in connection therewith in the insular possessions will hereafter be provided and operated by the Quartermaster's Department.

4. Medical officers and quartermasters will make the transfers above directed on regular invoices and receipts.

5. All outstanding indebtedness contracted by the Medical Department on account of the ice machines under its control in the insular possessions, prior to the transfers above directed, as a charge upon the ice fund, will be paid from the said fund at the several posts as soon as practicable, and after all such bills are paid the balances thereof remaining will be disposed of as follows: The balance at San Juan, Porto Rico, will be transferred to the Surgeon-General of the Army; the balances at the posts in the Division of the Philippines to the chief surgeon of the division, to be by him transmitted to the Surgeon-General when all the charges against the same shall have been finally paid.

6. The product of the ice machines operated by the Quartermaster's Department will be issued to the hospitals, the different organizations, noncommissioned staff officers, offices, post schools, and workshops. After these uses are met any surplus ice may be sold at average cost price to officers or their families, to post exchanges,

and to civilian employees, and the proceeds of such sales will be deposited to the credit of the Treasurer of the United States. The quantity of ice issued to hospitals, organizations, noncommissioned staff officers, offices, schools, and workshops will be regulated by the post commander and based upon the product obtained from the plant by judicious and economical operation. The supply for hospital use will be paramount to all other uses and will be given preference in all cases where a reduction of issue becomes necessary. Post commanders will give their personal attention to the management of the ice machines and take care that expenses of every kind incident to their operation are limited to actual requirements, and that waste or unauthorized issues of the ice are prevented.

7. Ice machines required for the benefit of the sick at Army posts in the United States proper will be provided and operated as heretofore by the Medical Department.

(*Pars. 1392, 1395, and 1426 A. R.*)

[G. O. 130, Dec. 29, 1902.]

I. By direction of the Secretary of War, the following indorsement from the honorable the Secretary of the Treasury, further extending the time within which accounts of disbursing officers of the War Department may be rendered, is published to the Army for the information and guidance of all concerned:

TREASURY DEPARTMENT, *December 16, 1902.*

Respectfully returned to the honorable the Secretary of War.

The provisions of the orders of this Department of May 4, 1898; May 17, 1899; December 26, 1899; December 21, 1900, and December 11, 1901, relaxing the requirements as to the rendition of accounts of disbursing officers of the War Department for expenses pertaining to the military establishment, are hereby extended to the close of the calendar year ending December 31, 1903.

L. M. SHAW, *Secretary.*

The decisions referred to in the foregoing indorsement were published in paragraph II, General Orders, No. 36, May 7, 1898; paragraph II, General Orders, No. 98, May 26, 1899; paragraph I, General Orders, No. 211, December 29, 1899; paragraph I, General Orders, No. 1, January 3, 1901, and paragraph I, General Orders, No. 1, January 8, 1902, from this office.

II. By direction of the Secretary of War, only the depot commissary, Manila, Philippine Islands, so far as the Subsistence Department is concerned, is authorized to avail himself of the foregoing relaxation of the law granted by the honorable the Secretary of the Treasury as to the rendition of money accounts during the calendar year ending December 31, 1903. All other money accounts in the Subsistence Department will be rendered within ten days after the close of the month, as required by paragraph 709, Army Regulations.

(*Par. 709, A. R.*)

[G. O. 131, Dec. 30, 1902.]

By direction of the Secretary of War, officers of the Army charged with the preparation of discharge certificates of enlisted men who were discharged in the Philippine Islands and who there reentered the service of the United States prior to March 2, 1901 (act of March 2, 1901, General Orders, No. 26, of 1901), will note thereon, under the caption of "Military Record" in the space designated "Remarks," the place of last preceding enlistment in the United States, and on the discharge certificates of enlisted men who entered the service after March 2, 1901, the place of enlistment under current discharge, in order that officers of the Quartermaster's Department, to whom persons entitled to be returned to the Philippine Islands may present themselves with request for transportation and subsistence thereto, may be enabled to determine

at once whether or not they come under the provisions of paragraph 5, Circular, No. 37, August 25, 1902, from this office.

Men enlisted in the Philippine Islands after March 2, 1901, and discharged in the United States comprise the only class entitled to transportation and subsistence back to the Philippine Islands, as they come under the provisions of the general law governing travel allowances.

Men discharged in the Philippine Islands and who there reenlisted prior to March 2, 1901, are, when discharged in the United States, entitled to land-travel allowances only from place of discharge to place of last preceding enlistment in the United States.

Transportation to the Philippine Islands under this order and General Orders, No. 15, February 12, 1902, from this office, will, however, not be furnished after the expiration of one year from date of discharge, and persons entitled thereto will be required to embark on the first available transport sailing after date of permit.

The officer issuing the transportation will note that fact on the discharge certificate and the transport quartermaster and commissary the fact that subsistence has been furnished.

(*Pars. 162 and 737, A. R.*)

[G. O. 132, Dec. 31, 1902.]

By direction of the Secretary of War, General Orders, No. 81, July 17, 1902, from this office, publishing the regulations for the uniform of the Army (amended by General Orders, No. 95, August 13, 1902, from this office), is further amended as hereinafter indicated. It will take effect on July 1, 1903, by which date all officers will be uniformed and equipped as herein provided. Officers now serving in the Philippines and Alaska will be allowed to wear the uniform hitherto prescribed during the continuance of duty there.

Issues by the Quartermaster's Department of the various articles of uniform for the enlisted men, wherein changes have been made, will commence as soon as the present available supply of corresponding articles shall have been exhausted.

(A) GENERAL REGULATIONS.

1. The garments, head gear, foot gear, ornaments, insignia, buttons, decorations, and other articles herein specified, grouped in the manner prescribed, will constitute the uniforms of the United States Army, and will be worn on the occasions prescribed (see Table of Occasions) unless otherwise directed by proper authority.

The various articles will conform in quality, design, and color to the sealed standard patterns deposited in the War Department.

2. The proper dress will be determined by the commanding officer with due regard to prescribed regulations (see Table of occasions), the season of the year, and the state of the weather.

Officers will conform to the dress of the troops of their stations and will, by their appearance, set an example of neatness and strict conformity to regulations in uniform and equipment.

All officers not serving with troops shall, during the hours of duty (from 9 a. m. to 4 p. m.), wear the prescribed uniform.

3. When officers or enlisted men wear civilian dress, it will not be accompanied by any mark or part of the uniform. Enlisted men, on or off duty, will not wear civilian dress without permission of their commanding officer.

4. No decoration received from a foreign government shall be worn by officers or men while on duty with United States troops.

5. *Medals of honor* may be worn by officers and enlisted men entitled to them, on

all occasions of ceremony in full dress; the medal to be attached to the coat at a point 1 inch below the opening of the collar.

6. The various distinctive marks given for excellence in rifle practice may be worn on the breast by officers and enlisted men entitled to them, on all occasions of ceremony, in the manner prescribed in the next paragraph; they will precede all badges of military societies (from the wearer's right to left), and will be preceded by badges of campaigns which may be adopted by the War Department.

7. *Badges of military societies.*—Officers and enlisted men who, in their own right or by right of inheritance, are members of military societies of men who served in the armies and navies of the United States in the war of the Revolution, the war of 1812, the Mexican war, the war of rebellion, or the Indian wars of the United States, or the Spanish-American war and the incidental insurrection in the Philippines, or the China Relief Expedition, or are members of the Regular Army and Navy Union of the United States, may wear on all occasions of ceremony, when full dress is required, the distinctive badges adopted by such societies or such other medals as may be authorized by proper authority; badges to be worn on the left breast of the coat, suspended by a ribbon from a bar of metal passed through the upper ends and tops of the ribbons, forming a horizontal line, the outer ends of which will be from 3 to 4 inches below the top of the shoulder, according to the height of the wearer.

8. Shoulder knots and shoulder straps will be worn by commissioned officers only. Shoulder straps will always be placed on the dress coat, as herein prescribed; their use on the full-dress coat is forbidden.

9. The uniform of an officer on the retired list is that prescribed for his actual rank in his regiment or corps when retired, except that the number of the regiment or insignia of corps or department will not be worn. A retired officer with brevet commission, either in the regular or volunteer service of the Army of the United States, may wear the uniform of his highest brevet grade, and a retired officer who has held a commission, not brevet, in the volunteer service may wear the uniform of his highest grade in that service, except that the number of the regiment or insignia of corps or department will not be worn. (A. R., 88.)

10. In case of inclement weather, when capes, waterproofs, or overcoats are worn, shoulder knots will take the place of epaulets for general officers.

11. When a particular coat or vestment is required by the church to which a chaplain belongs he may wear such coat or vestment while conducting services.

12. In foreign countries, on occasions of reviews, public balls, entertainments given by military or naval authorities, or messes, or by civil officials, during official visits of ceremony, and at social functions partaking of an official character, officers shall appear in uniform suitable for the occasion.

13. The saber shall be habitually worn hooked up when dismounted, guard to the rear; it will be worn outside of the overcoat. The proper saber knot will always be worn with the saber.

14. Enlisted men will wear uniform in camp or garrison and will not be permitted to keep other clothing in their possession. When on fatigue they will wear suitable fatigue dress. (A. R., 302.)

15. The articles borne upon the annual price list of clothing, published in orders, will be considered uniform for enlisted men, and no deviation therefrom will be allowed. (A. R., 303.)

16. The service uniforms are made of wool or cotton, and the one to be worn will be determined by locality and climate when required; it is not permitted to combine garments of wool with others of cotton in the service uniform of officers or enlisted men.

The material of the service uniform, the overcoat, and the hat will be made water repellent as nearly as practicable.

* * * * * * *

(*Par. 88 and Art. LXXXVI, A. R.*)

[Cir. 7, Feb. 27, 1902.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

There is no reason for a departure from the invariable rule that there should be but one commanding officer at a post, who should be held responsible for the complete instruction and efficiency of his command, no matter of how many branches of the service the garrison is composed.

The duties of subordinate commanders are well defined, and it is the express duty of the commanding officer to see that they are carried out, even if he may not have the technical knowledge of all the details pertaining to each particular branch, as the Medical Department, the Signal Corps, the Engineer Corps, or the Artillery Corps.

Long-established practice has shown the wisdom of the rule, and it requires no argument to show that to exempt the artillery from its application would be at the risk of harmony—would divide responsibility and impair efficiency. Even under the latitude of paragraph 436 of the Regulations, which exempts the artillery from certain post duties, well-founded complaints have sometimes been engendered, and to extend it so as to practically make a quasi independent command in a post would tend to weaken, not strengthen, the hand of the post commander.

When two or more field batteries are serving at a post of different arms of the service, there can be no objection to a provisional battalion of artillery "for maneuvers and instruction," the same as prescribed for infantry and cavalry, without separate headquarters or distinctive records, and all under the immediate control of the post commander, and to the detail for these purposes of an adjutant and sergeant major by the battalion commander.

(*Art. IV, A. R.*)

[Cir. 18, May 19, 1902.]

The following decision is published for the information of all concerned:

VETERINARIANS ENTITLED TO SALUTES FROM ENLISTED MEN.—A veterinarian of cavalry or artillery is allowed by law the pay and allowances of a second lieutenant. He is given rank by General Orders No. 39, April 24, 1902, from this office, next after a second lieutenant and the character of his duties is such as to require him to give orders to enlisted men. He is, therefore, entitled to receive the customary salute from enlisted men.

(*Art. XXVI, A. R.*)

[Cir. 21. June 18, 1902.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

BURIAL EXPENSES OF RETIRED NONCOMMISSIONED OFFICERS.

The provision in the Army appropriation act of March 2, 1901, for expenses of the interment of officers "noncommissioned officers and soldiers" killed in action, or who die while on duty in the field or at military posts or on the frontiers, or while traveling under orders does not apply to noncommissioned officers or soldiers on the retired list.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, April 6, 1901.

The Honorable THE SECRETARY OF WAR.

SIR: By your direction I have received a letter dated March 27, 1901, from the Quartermaster-General asking whether the provision for burial expenses found under the head of "Incidental expenses, Quartermaster's Department," in the army appropriation act of March 2, 1901, applies to cases of retired noncommissioned officers and soldiers.

The provisions making the appropriation is for—

"expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases may be paid out of the proper funds appropriated by this act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the twenty-first day of April, eighteen hundred and ninety-eight."

While the act is in one respect, at least, inartistically drawn, I think its meaning is as clear as if it read:

"Expenses of the interment of officers, and of noncommissioned officers and soldiers killed in action, or who die when on duty in the field or at military posts or on the frontiers, or when traveling under orders, and in all cases, etc."

Without entering into the question as to whether retired noncommissioned officers and soldiers are in the Army after their retirement, I am clearly of the opinion that they are not in such a duty status as to bring their cases within the plain letter of the law, which requires that they must be either killed in action or die when on duty in the field or at military posts on the frontiers, or when traveling under orders to authorize the payment of their burial expenses out of this appropriation. (See 5 Comp. Dec., 343, 444.)

I have, therefore, to advise you that the act cited does not apply to cases of noncommissioned officers or soldiers on the retired list.

Respectfully,

L. P. MITCHELL, *Assistant Comptroller.*

(*Par. 180, A. R.*)

[Cir. 27, July 7, 1902.]

I. The following decision has been made and is published to the Army for the information and guidance of all concerned:

Where the sentence of a court-martial directs the amount paid for the apprehension and transportation of a soldier convicted of absence without leave to be charged against his pay in conformity to the requirements of paragraph 138 of the Army Regulations, its sentence should direct such charge to take the form of a stoppage, not of a forfeiture, thus allowing the amount so deducted to be credited on the books of the Treasury as a reimbursement.

(*Par. 138, A. R.*)

* * * * * * *

[Cir. 29, July 15, 1902.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Actual expenses—Act of May 26, General Orders, No. 76, 1900. For sea travel "between" islands of the same group, an officer during intermediate part of the journey, entitled to reasonable actual expenses on shore while awaiting sailing of vessel.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, July 3, 1901.

The honorable the SECRETARY OF WAR, Washington, D. C.

SIR: I am in receipt of your communication of the 7th ult. as follows:

"I have the honor to transmit herewith, together with other papers, a letter from the chief paymaster, Department of South Philippines, Cebu, P. I., dated April 5, last, submitting a mileage and expense account presented by Lieut. Col. J. N. Morrison, judge-advocate, Department of South Philippines, stated at $19.82.

"It appears from these papers that payment of the said account was declined under circular issued by the Paymaster's Department dated November 22, 1901, and attention is invited to the statements contained in Colonel Morrison's letter addressed to you under date of March 7th last, in which he takes exception to the action of the Pay Department.

"The matter is submitted to you with request for decision as to whether or not Colonel Morrison can be reimbursed for expenses incurred in the sum above named? The return of the accompanying papers with your reply is also requested."

The letter of Maj. J. A. Watrous, chief paymaster, is as follows:

"I have the honor to inclose herewith a mileage and expense account presented by Lieut. Col. J. N. Morrison, judge-advocate, Department of South Philippines, and to request a decision on the same. I also inclose an exhaustive statement made by Colonel Morrison on the same subject.

"Unless the decision is made and the papers returned by the 1st of July of this year, I would suggest that they be sent to my address at San Francisco."

The ruling of the Paymaster-General, U. S. Army, under date of November 22, 1901, referred to in your communication, reads:

"Respectfully returned to Lieut. Col. Chas. H. Whipple, paymaster, Manila, P. I.

"The law prescribes (page 11, G. O., 26, A. G. O., 1901), mileage for land travel and actual expenses for sea travel to, from, or between our island possessions. Therefore, if an officer journeys by land to the port of departure, and is delayed at the port, or at intermediate points on land, he could receive only the mileage allowance for the actual distance traveled by land. If traveling by sea, and changing steamers at some port he is compelled to delay on shore, he is not then traveling either by sea or land, and there can be no allowance while so delayed."

There is a demand of Lieut. Col. Jasper N. Morrison for the balance of actual expenses alleged to be due him for a journey performed under proper military authority during the period from December 20, 1901, to January 8, 1902, from Zamboanga, P. I., to Cebu, P. I. Lieutenant-Colonel Morrison alleges that he went from Zamboango to Manila on the U. S. transport *Relief* and from Manila to Cebu on the U. S. transport *Sumner;* that on arriving at Manila on or about December 25, 1901, he went ashore to await the sailing of the *Sumner*, which took place on or about January 4, 1902; and that while thus waiting on shore he incurred necessary living expenses amounting to $19.82, for which he asks reimbursement, provided that it is held by the accounting officers that actual expenses, and not mileage, are legally payable for a journey of this character.

The mileage law in force at the time the journey was performed was the act of May 26, 1900 (31 Stat., 210), which provides:

"For mileage to officers and contract surgeons, when authorized by law, five hundred thousand dollars; * * * *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling as herein provided for, to, from, or between our island possessions:" * * *

Under this law, I am of opinion that this was a journey for which actual expenses only are payable, and that Lieutenant-Colonel Morrison's stay on land at Manila was an incident of his journey from Zamboanga to Cebu, for which he was in no way responsible, and that he is entitled to his reasonable actual expenses while ashore awaiting the sailing of the transport, the same as while actually on the transport and moving until he arrived at his destination. Paymaster Watrous is authorized to pay Lieutenant-Colonel Morrison his actual expenses as claimed. All papers herewith returned.

L. P. MITCHELL,
Assistant Comptroller.

(*Par. 1473, A. R.*)

[Cir. 31, Aug. 5, 1902.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

First and second class gunners, Artillery Corps, when retired, entitled only to 75 per cent of pay and allowances of the rank held at retirement. Additional pay for classification as gunner ceases with date of retirement and is to be excluded from computation of retired pay.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, July 30, 1902.

The PAYMASTER-GENERAL, U. S. Army.

(Through the Adjutant-General of the Army, War Department.)

SIR: I am in receipt of your communication of the 11th instant, as follows:

"Referring to the act of February 14, 1885, establishing a retired list for enlisted men of the Army, and providing that on retirement they shall receive 75 per centum of the pay and allowances of the rank on which they were retired; and to the act of February 2, 1901, which provides that enlisted men of the artillery service who shall qualify as first and second class gunners shall be entitled to an increase of $2 and $1 per month, respectively; and to the decision of the Comptroller dated September 11, 1901, that a gunner who has thus qualified is entitled to pay as such for three years, provided that during that period he has not been out of the artillery service more than three months, decision is requested as to the pay status of an enlisted man of the artillery service who, while a qualified gunner, is placed on the retired list. Will he, after retirement, or for the three months next following his retire-

ment, be entitled to receive 75 per cent of the $1 or $2 per month he was receiving as a qualified gunner."

By authority of the Secretary of War.

Section 7 of the act of February 2, 1901 (31 Stat., 749), providing additional compensation to gunners is as follows:

"That each company of coast artillery shall be organized as is now described by law for a battery of artillery; * * * and provided, that first-class gunners shall receive $2 per month, and second-class gunners $1 per month in addition to their pay."

This act authorizes additional compensation to gunners, but it does not undertake to determine what enlisted men of the Artillery Corps shall be classified as gunners, or when so classified how long their classification shall continue. The Army Regulations providing that artillery competition shall be prescribed in orders and instructions issued from the Headquarters of the Army. (Par. 411, A. R., 1901). General Orders, No. 36, of 1901, relating to the methods of conducting examinations in the coast artillery, and issued by command of the Lieutenant-General of the Army, provide:

"That enlisted men who obtain an average of 85 per cent of the total maximum mark in the examination will be classified as first-class gunners, and those who obtain an average of 65 per cent will be classed as second-class gunners."

also that—

"A qualified gunner will be rated as such for a period of three years, and for such additional time as may be required to provide for a reexamination, unless he had, during that time, been out of the artillery service for more than three months."

An enlisted man belonging to the Coast Atillery obtains the classification of gunner because of some excellence possessed by him as shown in an examination. If he successfully passes the prescribed examination, and is duly classified, or qualified, as a gunner, the act of February 2, 1901, supra, grants him one or two dollars a month additional compensation, according to his classification. This additional compensation does not constitute a part of the pay of the rank, but is granted because of the special merit which the enlisted man is shown to possess. It is given without regard to rank, or length of service, and is to be paid for a period of three years from the time of the classification, unless during that time the enlisted man is out of the artillery service for more than three months.

The act of February 14, 1885 (23 Stat., 305), which created the retired list for enlisted men of the Army, provides that an enlisted man placed on the retired list shall thereafter receive 75 per centum of the pay and allowances of the rank upon which he was retired. By the act of February 2, 1901 (31 Stat., 748), enlisted men of the Army on the retired list constitute a part of the Army of the United States. An enlisted man of the Artilley Corps, who is retired, remains a part of the Army and necessarily in the military service, but he ceases to be a part of the artillery arm of the military service.

I am of the opinion, therefore, that under the General Orders, supra, such enlisted man is not entitled to be rated as a gunner beyond the date of his retirement, and consequently not entitled to additional compensation as such beyond such date. In view of what is said above, I am also of the opinion that the additional compensation provided by the act of February 2, 1901, supra, is not a part of the pay of the rank upon which an enlisted man is retired, and therefore any enlisted man who is retired while classified as a gunner is not entitled, upon the retired list, to receive any part of the one or two dollars per month granted to enlisted men holding the classification of gunners.

The papers forwarded by you are herewith returned.

Respectfully,

L. P. MITCHELL,
Assistant Comptroller.

(*Pars. 149 and 411, A. R.*)

[Cir. 33, Aug. 3, 1902.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Travel pay under General Orders, Nos. 16 and 26, Headquarters of the Army, 1901: Officers and men who were discharged in the Philippines prior to March 2, 1901, and there reentered the service shall when next discharged, except by way of punishment for an offense, receive travel allowances from place of discharge to place in United States of last preceding place of appointment or enlistment or to their homes, at the rate of 4 cents per mile for land travel and for all sea travel actual expenses to officers and transportation and subsistence to enlisted men. This class of enlisted men are entitled to above travel pay whether they reentered the service in the Philippines within or after more than three months.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, August 1, 1902.

The PAYMASTER GENERAL U. S. ARMY,
War Department, Washington, D. C.

SIR: I am in receipt of your communication of the 26th ultimo requesting my decision, as follows:

"Your decision is requested in the following matter: In the mileage clause of the act of March 2, 1901 (31 Stat., 902), it is provided—

"'That hereafter when an officer shall be discharged from the service, except by way of punish-

ment for an offense, he shall receive for travel allowances from the place of his discharge to the place of his residence at the time of his appointment, or to the place of his original muster into the service, 4 cents per mile; and an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive 4 cents per mile from the place of discharge to the place of his enlistment, enrollment, or original muster into the service: *Provided further*, That any officer or enlisted man in the service of the United States who was discharged in the Philippine Islands and there reentered the service through commission or enlistment shall when discharged, except by way of punishment for an offense, receive for travel allowances from the place of discharge to the place in the United States of his last preceding appointment or enlistment, or to his home if he was appointed or enlisted at a place other than his home, 4 cents per mile: *Provided further*, That for sea travel or discharge actual expenses only shall be paid to officers, and transportation and subsistence only shall be furnished to enlisted men.'

"Under the provision first above cited that 'hereafter when an officer shall be discharged,' etc., will the next proviso, 'that any officer or enlisted man in the service of the United States who was discharged in the Philippine Islands and there reentered the service through commission or enlistment shall when discharged, except by way of punishment for an offense, receive for travel allowances from the place of discharge to the place in the United States of his last preceding appointment or enlistment, or to his home if he was appointed or enlisted at a place other than his home, 4 cents per mile,' be held to apply to all discharges and reentries into the service theretofore or thereafter occurring, or will it be held to apply only to those who had prior to the passage of the act been discharged and had reentered the Army by appointment or enlistment?

"2. Will said act exclude from its benefits enlisted men who after discharge in the Philippines had failed to reenter the service there within the three months allowed by law for reenlistment?

"By authority of the Secretary of War."

That portion of the act of March 2, 1901, quoted by you, which refers to the date of discharge and reentry into service in the Philippine Islands of officers and enlisted men is entirely retrospective and applies only to the officers and enlisted men who *were* discharged and reentered the service through commission or enlistment *before the passage of the act.* As respects the time of discharge after reenlistment, the act is prospective and retrospective. (8 Comp. Dec., 366.)

The decision of April 4, 1901 (MS. Dec., vol. 17, p. 99), in the case of Charles Streiff, Company G, Eighteenth U. S. Infantry, in so far as it held that the provision of the act of March 2, as respects the time of discharge, was prospective only is overruled.

In reply to your second question, you are informed that there is no time fixed in the act within which a soldier discharged in the Philippine Islands must there reenlist, hence the act does not exclude from its benefits the enlisted men who reenlisted in the Philippine Islands more than three months after their discharge therein.

The time of three months fixed by law (sec. 1284, R. S., and act of August 1, 1894, 28 Stat., 216) for reenlistments is applicable only in determining a soldier's right to continuous-service pay.

Respectfully,

R. J. TRACEWELL, *Comptroller.*

(*Par. 1563, A. R.*)

[Cir. 36, Aug. 21, 1902.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Court-martial forfeitures are debts to the United States, and the full amount of each sentence must be deducted unless remitted. When the monthly aggregate of forfeitures exceeds the rate of the soldier's monthly pay, deduction will be made at the rate of such monthly pay, less dues to the Soldiers' Home, until the full amount of all forfeitures has been deducted, unless a portion shall have been remitted.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, August 14, 1902.

The PAYMASTER-GENERAL.
(Through the Adjutant-General of the Army, War Department).

SIR: I am in receipt, on the 21st ultimo, of your communication of the 11th ultimo, requesting my decision as follows:

"There being a diversity of opinion and practice in the matter of deduction of forfeiture by sentence of court-martial, your construction in the following cases is desired and requested for the information and guidance of officers of the Pay Department:

"1. Where two or more sentences, covering forfeitures operating at the same time, aggregate in any month or months more than the rate of the soldier's current monthly pay (less dues to the Soldiers' Home), what should be the aggregate deduction on account of such sentences? For instance, a soldier is sentenced June 6 to forfeit $10 per month of his pay for four months and again on June 26 is sentenced to forfeit $10 per month of his pay for eight months. From June 26 to October 5, inclusive, the

two sentences are running together, aggregating $20 per month, while the soldier's current monthly pay (less Soldiers' Home dues) is but $12.88 per month. Should the sentence continue to be borne upon the roll until forfeiture of the $10 per month for twelve months is collected, i. e., $120, or would the following be the correct deduction?

"June 6 to 25, inclusive, twenty days, at $10	$6.67
"June 26 to October 5, inclusive, three months ten days, at $12.88	42.93
"October 6 to February 25, inclusive, four months twenty days, at $10	46.67
"Total deduction	96.27

"2. If the sentence of June 26 were to 'forfeit $10 of his pay' or to 'forfeit one month's pay,' and that of June 6, as before, to forfeit $10 per month for four months, should the full amount of both sentences be deducted, or should deduction be made as in example above given?

"Requesting the favor of an early decision.

"By authority of the Secretary of War."

The sentence of the court-martial begins to run with the date of its promulgation in orders unless the language of the sentence clearly indicates that such was not the intention of the court. (General Orders, No. 53, of 1878; Digest Second Comp. Dec., vol. 2, sec. 375; par. 1052, A. R., 1901.)

By General Orders, No. 53 of 1878, rules for the execution of sentences of courts-martial adjudging forfeiture of pay were promulgated by the Secretary of War in part as follows:

"2. An order remitting forfeiture of pay operates only as to time subsequent to its date. The forfeiture continues operative for the time between date of promulgation of sentence and date of order of remission, and at the rate fixed in the sentence if the forfeiture be one of a certain amount per month; or, if it be a specified sum, at the rate of the soldier's current pay, less deduction for Soldiers' Home. To this extent a remitted forfeiture must stand as a charge against the soldier's pay until satisfied.

"3. Where the same time is covered by two or more forfeitures, they must, as to such time, apply together, each under the foregoing rules, until all are satisfied. The rate of forfeiture for a given time will then be the aggregate of the rates of the several forfeitures applicable thereto, whether the actual rate of pay for the time be greater or less."

Paragraph 1052, Army Regulations, 1901, provides in part as follows:

"When a sentence imposes forfeiture of pay, or of stated portions thereof for a certain number of months, it stops for each of those months the amount stated; thus, '$10 of monthly pay for one year would be a stoppage of $120.'"

Paragraph 1053 of the Regulations provides:

"An order remitting a forfeiture of pay operates only on the pay to become due subsequent to the date of the order."

Paragraph 1049 of the Regulations provides that when soldiers who are undergoing sentence by a court-martial commit other offenses for which they are tried and sentenced, the second sentence will be executed upon the expiration of the first.

I can find no authoritative decision of the accounting officers defining or establishing a practice in the class of cases to which you refer. It appears that prior to the reorganization of the accounting offices in 1894 verbal instructions were given from time to time by the Second Comptroller in individual cases as they came up for settlement. For instance, in 1878 instructions appear to have been given to the effect that in cases of two or more sentences covering forfeitures operating at the same time and for specific periods and aggregating more than the pay of the soldier, the excess of the forfeitures over the current monthly pay could not be charged against the future or prior earnings of the soldier. As against this, however, in the case of a sentence to forfeit a specified sum, the practice appears to have been to consider the sentence as running until a sufficient amount of pay had accrued to satisfy the forfeiture, or until the unsatisfied portion thereof had been remitted. (Digest Second Comp. Dec., vol. 2, sec. 377.)

I have given careful consideration to such verbal memorandum decisions as have been found and called to my attention; also to the various Regulations which have been made by the War Department from time to time, as well as to the decisions of the Judge-Advocate-General of the Army.

The weight of the Regulations and the decisions of the Judge-Advocate-General appears to be to the effect that the sentence or sentences of a court-martial adjudging a forfeiture of pay, whether of a specified sum, as, for instance, $10 of a soldier's pay, or a certain amount per month of a soldier's pay for a specified time, as $10 per month of a soldier's pay for six months, continue operative until enough pay has accrued to satisfy them, or until the unsatisfied portion thereof has been remitted, the total forfeiture being the aggregate amount of the sentence or sentences.

I am of the opinion that this view is correct and it will be followed by me.

If while one sentence is running a soldier undergoes another sentence adjudging a forfeiture of pay of a specified sum or a certain amount per month for a specified time, there can only be collected each month under the second sentence, as long as the sentences run together, the difference between the amount of the forfeiture under the first sentence and the soldier's current pay, less the authorized stoppages in favor of the Soldiers' Home, but the second sentence will continue operative until enough pay has accrued to satisfy it, retaining each month the amount specified by the court-martial, if the sentence be for a specified time, or at the rate of the soldier's current pay if the sentence be

simply of a specified sum. Where a sentence adjudges a forfeiture of the monthly pay or a part of the monthly pay of a soldier for a specified time, the sum forfeited is the amount per month multiplied by the number of months. (Par. 1052, A. R., 1901; General Orders, No. 121 of 1874; par. 1385, Dig. of Opin. of Judge-Advocate-General, 1901.)

The forfeiture, upon the promulgation of the sentence, becomes a debt due to the United States, which is collectible in the manner indicated above. (Par. 1387, Dig. of Opin. of Judge-Advocate-General, 1901.)

In the case you cite under your first question, I am of the opinion that the correct deduction is $120, being the full amount of both sentences, and that under your second question the correct deduction is the full amount of both sentences. Any practice heretofore obtaining in the class of cases described which is contrary to the views herein announced is overruled, and hereafter stoppages against a soldier's pay under sentence of court-martial will be enforced in accordance with this opinion.

R. J. TRACEWELL, *Comptroller.*

(*Pars. 1049, 1052, 1053, and 1545, A. R.*)

[Cir. 37, Aug. 25, 1902.]

The attention of the Acting Secretary of War having been called to the fact that the provisions of the act of March 2, 1901, published in General Orders, No. 26, March 8, 1901, from this office, have been overlooked in the payment of travel pay to enlisted men who have been discharged in the Philippine Islands and there reentered the service of the United States and who have since returned to the United States and been discharged, the following instructions on the subject, prepared by the Paymaster-General of the Army, are published to the Army for the information and guidance of all concerned:

1. So much of the act of March 2, 1901, as provides for payment of travel pay to officers and enlisted men of the Army who were discharged in the Philippine Islands and there reentered the service applies only to those who had been so discharged and had reentered the service prior to the date of the approval of the act and will not apply to those discharged and reentering the service there after that date.

2. It will be observed that men so discharged and reentering the service will when again discharged, if discharged in the Philippines, be entitled to transportation and subsistence in kind for sea travel and to travel pay at 4 cents per mile for the land travel from place of discharge to place of last preceding appointment or enlistment in the United States.

3. If since discharge and reenlistment in the Philippines they have returned to the United States and there been discharged they will be entitled to travel pay at 4 cents per mile only from place of discharge in the United States to place of last preceding enlistment in the United States.

4. It is not necessary that reenlistment in the Philippines after discharge there should have been within three months. Discharge and a reentry into the service complies with the provisions of the act.

5. One whose original enlistment or entry into the service was in the Philippines does not come under the provisions of the act, and such a one discharged in the United States would be entitled to travel pay at 4 cents a mile for the land travel and transportation and subsistence in kind for the sea travel involved in the journey back to place of enlistment in the Philippines.

6. One discharged in the Philippines after the date of the act and there reentered the service would not be subject to the provisions of the act and would receive the usual travel allowances for land and sea travel from place of discharge to place of enlistment.

7. The following examples, under 1, 2, and 3 hereof, are submitted as a guide to settlement of similar cases: (*a*) A soldier enlisted at Cincinnati, Ohio, was discharged in the Philippines and there entered the service prior to March 2, 1901. When next discharged he was at Columbus Barracks, Ohio, and was entitled to travel pay only

from Columbus Barracks to Cincinnati. (*b*) A soldier enlisted at Fort Bliss, Tex., was discharged in the Philippines and there reentered the service prior to March 2, 1901. He was next discharged at Fort Bliss, place of last preceding enlistment in the United States, and was not entitled to travel pay, he being at that time at place of such enlistment.

8. It is found that in the cases above cited travel pay has been paid from place of discharge in the United States to San Francisco, the same as though the men were entitled to travel allowances for land and sea travel back to Manila.

9. General Orders, No. 57, Adjutant-General's Office, 1901, enjoins upon officers issuing final statements that they shall note thereon the place of last enlistment in the United States preceding their discharge in the Philippines. If this be omitted and by reason of such omission an overpayment in travel pay is caused, the officer issuing the erroneous final statements will be held responsible under A. R. 736 for the amount overpaid; but this would not relieve the paymaster if the final statements showed the soldier to have enlisted in the Philippines, as such a statement should put the paymaster upon inquiry. Nor does it follow that because a man enlisted in the Philippines he was previously discharged there, and care should be taken to ascertain the facts in order to avoid injustice and short payment to the soldier.

(*Pars. 162, 736, 1421, and 1562, A. R.*)

[Cir. 39, Aug. 27, 1902.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Enlisted men discharged by order of the Secretary of War for "disability caused by their own misconduct" are not thereby deprived of travel pay, section 1290, Revised Statutes, and its amendment of March 16, 1896, having been abrogated by the act of May 26, 1900, which in turn was abrogated by the act of March 2, 1901.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, August 19, 1902.

The PAYMASTER-GENERAL, U. S. ARMY, *War Department.*

SIR: I am in receipt of your communication of the 13th instant requesting my decision as follows:

"As a matter affecting the disbursement of public money to discharged enlisted men of the Army, decision is requested whether the final clause of the act of March 2, 1901 (31 Stat., 910), repealing 'all laws or parts of laws inconsistent with this act' does not repeal so much of the act of March 16, 1896 (29 Stat., 63), as provides 'that no enlisted man discharged by order of the Secretary of War for disability caused by his own misconduct shall be entitled to the travel allowances provided for in section 1290 of the Revised Statutes,' and therefore, from date of said act of March 2, 1901, entitles enlisted men discharged as above, by order of the Secretary of War, to all the travel allowances provided for by the said act of March 2, 1901 (31 Stat., 902)—that is to say, to 4 cents per mile for the land travel, and transportation and subsistence only for the sea travel, from place of discharge to place of enlistment, enrollment, or original muster into the service.

"By authority of the Secretary of War."

Section 1290, Revised Statutes, provides:

"When a soldier is discharged from the service, except by way of punishment for an offense, he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles."

The act of March 16, 1896 (29 Stat., 63), provides:

"For allowance for travel, retained and detained pay, clothing not drawn, and for interest on deposits, payable to enlisted men on discharge, seven hundred thousand dollars: *Provided*, That no enlisted man discharged by order of the Secretary of War for disability caused by his own misconduct shall be entitled to the travel allowances provided for in section twelve hundred and ninety of the Revised Statutes."

The act of May 26, 1900 (31 Stat., 210), provides:

"That hereafter * * * an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive four cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service."

* * * * * * * *

"*Provided further*, That for sea travel on discharge to, from, or between our island possessions, * * * transportation and subsistence only shall be furnished to enlisted men."

The act of March 2, 1901 (31 Stat., 902), is identical with the act of May 26, 1900, except as to the proviso, which in the act of March 2 reads as follows:

"That for sea travel on discharge * * * transportation and subsistence only shall be furnished to enlisted men."

Also at the end of the act of March 2, which is "An act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and two," there is the provision that "All laws or parts of laws inconsistent with the provisions of this act are hereby repealed."

Section 1290, Revised Statutes, was superseded by the act of May 26, 1900, supra, which was in turn superseded by the act of March 2, 1901, supra, which is the travel-pay law in force at the present time.

The acts of May 26 and March 2 were in no sense *amendments* of the old travel-pay law, but were new and distinct enactments.

The act of March 16, 1896, supra, was in effect at least an amendment to section 1290, inasmuch as it created a distinct exception to the payment of travel allowances under that law. It applied to that law alone, and in my opinion can have no reference to or bearing upon the later laws of May 26 and March 2. The moment that section 1290 was no longer in force that moment also the act of March 16 ceased to have any force. The restrictions contained in the latter act were not incorporated in either the act of May 26 or the act of March 2, supra, and hence can not be a bar to the payment of travel pay under said acts. I am of the opinion that section 1290, Revised Statutes, and its amendment of March 16 were abrogated by the act of May 26, 1900, supra, which was in turn abrogated by the act of March 2, 1901, supra. The repealing clause of the act of March 2, 1901, was unnecessary to accomplish the abrogation, as by the very terms of the acts themselves it is clear that the several laws could not stand together.

"But if the two acts are positively repugnant, and to such an extent that they can not be reconciled and made to stand together by any fair and reasonable construction, then the one last passed will control and will repeal the earlier law." (Black on Interpretation of Laws, p. 113.)

A repeal follows—

"When the latter act revises, amends, and sums up the whole law in the particular subject to which it relates, covering all the ground treated of in the earlier statute, and adding new or different provisions, and thus plainly shows that it was intended to supersede any and all prior enactments on that subject-matter, and to furnish for the future, for itself alone, the whole and only system of statute law applicable to that subject." (Id., p. 116.)

It seems clear to me that the acts of May 26 and March 2 were designed as a complete scheme for the payment of travel-pay and that they repealed all prior laws inconsistent therewith.

I am, therefore, of the opinion, and so decide, that the restrictions contained in the act of March 16, 1896, supra, are no bar to the payment of travel-pay under the act of March 2, 1901, supra.

Respectfully,

R. J. TRACEWELL,
Comptroller.

(*Pars. 151, 159, and 1563, A. R.*)

[Cir. 40, Aug. 29, 1902.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

The uniform of an officer on the retired list shall be governed by his actual rank in his regiment or corps when retired, except that the number of the regiment or insignia of corps or department are not to be worn. In other respects the style of uniform worn by a retired officer may be either that prescribed in Regulations at the date of his retirement or that prescribed by General Orders, No. 81, of 1902, from this office, this being left to the discretion of the officer. A combination of uniforms of different dates is not permissible.—

(*Par. 88, A. R.*)

[Cir. 41, Sept. 8, 1902.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Contract surgeons being civil employees their employment and compensation are dependent upon contract. Their right of demand to salary is a "claim upon the United States" within the meaning of section 3477, Revised Statutes, and they are prohibited by said section from transferring or assigning their current pay accounts. Any such assignment would be null and void and any Executive order authorizing such transfers or assignments would be in contravention of the law and without effect.

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, August 18, 1902.

The honorable the SECRETARY OF WAR.

SIR: I have the honor to acknowledge the receipt of your communication of the 7th ultimo, requesting my decision as follows:

"I have the honor to transmit herewith a letter from the commanding general, Department of the Columbia, addressed to the Adjutant-General of the Army, under date of 14th ultimo, recommending, for reasons stated, that the contract surgeons serving in his department, when it is found impracticable for them to submit their vouchers to a paymaster, be authorized to transfer same to the Northern Commercial Company.

"Attention is invited to the opinion of the Paymaster-General, as contained in the third indorsement on letter referred to, in which it is stated that there seems to be no good reason why contract surgeons should not be permitted to assign their accounts as suggested. In accordance with the recommendation of the above-named officer, the matter is submitted to you with request for a modification of your decision of December 27, 1894, if practicable, so as to permit contract surgeons to assign their accounts the same as commissioned officers of the Army.

"The return of the accompanying letter is also requested."

The communication of Brigadier-General George M. Randall, commanding the Department of the Columbia, addressed to the Adjutant-General of the Army, under date of June 14, 1902, is as follows:

"I have the honor to recommend that the contract surgeons serving in this department, when it is impracticable for them to submit their vouchers to a paymaster, be authorized to transfer them to the Northern Commercial Company, and that commanding officers be required to certify that the fact of the transfer with date of payment has been noted on the contract. This is the only method by which contract surgeons can be paid in northern Alaska. For nearly two years it has been the custom to make payments to acting assistant surgeons and contract surgeons in northern Alaska in the manner recommended on the approval of the department commander. Contract surgeons are stationed at points in northern Alaska where it would be impracticable to pay them in any other way than by a transfer of their vouchers."

The indorsement of the Paymaster-General of the Army thereon, referred to by you, is as follows:

"Respectfully returned to the Adjutant-General of the Army, inviting attention to Circular 13, Adjutant-General's Office, 1895, and the decision of the Comptroller of December 27, 1894, therein referred to, which heretofore has been held as applying to all classes of accounts except officers' pay accounts and soldiers' final statements. As contract surgeons are *quasi* officers, and frequently charged with the performance of duties usually performed by officers, there seems no good reason why they should not be permitted to assign their accounts, especially under such circumstances as within cited. It is recommended that the Comptroller be requested to so far modify his decision as to permit contract surgeons to assign their accounts, the same as commissioned officers of the Army."

Section 3477, Revised Statutes, provides:

"All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof."

Section 1291, Revised Statutes, provides that—

"No assignment of pay by a noncommissioned officer or private previous to his discharge shall be valid."

This has been regarded as permitting the transfer or assignment, by an enlisted man, of a claim for pay due on his final statements when made after his discharge from the service, in accordance with the formalities prescribed by the Army Regulations. I know of no statutory provision, however, which authorizes commissioned officers of the Army to transfer or assign their pay accounts after the same become due, but under Army Regulations, sanctioned by a long-continued and unbroken practice in the accounting offices, such transfers or assignments have been and are recognized. (Par. 1349, A. R., 1863; par. 238, *id.*, 1881; par. 1440, *id.*, 1889; par. 300, *id.*, 1895, and par. 1447, *id.*, 1901. *See* also G. O. No. 112 of 1884.)

Transfers or assignments made in accordance with the Army Regulations have been recognized by the paymasters of the Army, and when payments have been made under them the paymaster has been held to be entitled to credit for the disbursement in his accounts. Such assignments also furnish a good acquittance to the United States as against the officers making the assignments. (McKnight *v.* U. S., 98 U. S., 179; Bailey *v.* U. S., 109 U. S., 432.)

Such assignments appear to have been recognized by the accounting officers upon the theory that the right of an officer of the Army to his current pay was not a "claim upon the United States" within the meaning of section 3477, Revised Statutes, and hence not within the prohibition of the statute. (Digest Second Comp. Dec., vol. 3, secs. 154, 161, and 162.) Such recognition having prevailed for a long period of time the practice should not now be disturbed, but I do not think it properly can or should be extended to other classes of officers or employees of the Government.

Contract or acting assistant surgeons are civilian employees. (Digest Second Comp. Dec., vol. 3, secs. 929 and 932.) Their employment and compensation are dependent upon contract. Their right of demand to salary is a "claim upon the United States" within the meaning of section 3477, *supra*, and therefore I am of the opinion that they are prohibited by said section from transferring or assigning their current pay accounts. Any such transfer or assignment would be within the prohibition of the statute, and hence "absolutely null and void." Any Executive order authorizing such transfers or assignments would be in contravention of the law and without effect.

I appreciate the difficulties as set forth by Brigadier-General Randall in his communication above, and, notwithstanding the fact that contract surgeons are *quasi* officers, performing many of the duties of the regularly commissioned officers, I think that the Executive arm of the Government is powerless to afford any relief. If any exception is to be made in their favor it must be by a Congressional enactment.

The original papers are returned as requested.

Respectfully, R. J. TRACEWELL, *Comptroller.*

(*Par. 1447, A. R.*)

[Cir. 42, Sept. 9, 1902.]

The Acting Secretary of War having concurred in an opinion by the Judge Advocate General of the Army that under a recent decision of the Comptroller of the Treasury, rendered for the Navy Department April 8, 1902, the remains of soldiers dying at posts or stations *within* the United States when buried thereat can not be disinterred, reincased, and shipped home at public expense, there being no specific appropriation covering such expenditures and the appropriation "Incidental Expenses," from which the cost of original interment is made, not being available for subsequent disinterment, commanding officers at all posts or stations *within* the United States will use every effort to ascertain and promptly communicate by telegraph with relatives or friends of soldiers dying thereat in order that such relatives or friends may be given full opportunity to request that remains be sent home before they are buried at the post or station. Reference in this connection is made to paragraph 180, Army Regulations.

The Comptroller's decision herein referred to does not prohibit the disinterment of the remains of soldiers dying in Alaska, as there is a specific appropriation therefor.

(*Par. 180, A. R.*)

[Cir. 44, Sept. 16, 1902.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Extra-duty pay on and after April 26, 1898. Question of credit to a disbursing officer for payments made on and after that date.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, August 29, 1902.

Captain Edgar S. Walker, Eighth U. S. Infantry, appealed August 12, 1902, from the action of the Auditor for the War Department in settlement No. 26287, dated August 27, 1902, of his subsistence accounts as acting commissary of subsistence. At the time the appeal was filed in this office the

Auditor had not settled the accounts of the disbursing officer, having merely suspended action on the vouchers in question, but subsequent to the call for the papers by this office the Auditor disallowed three items in the officer's account as follows:

April, 1898. F. Y. 1898.
Abstract of Disbursements.
Vou. 1. Extra-duty Pay Roll, disallowed in part August 27, 1902 ..... $1.75
Payment for extra-duty services on and after April 26, 1898, prohibited by act of Congress of that date. See G. O., A. G. O., No. 29, 1898.
May, 1898. F. Y. 1898.
Abstract of Disbursements.
Vou. 1. Extra-duty Pay Roll, disallowed August 27, 1902, as per remark to Vou. 1, April, 1898.. 10.85
June, 1898. F. Y. 1898.
Abstract of Disbursements.
Vou. 4. Extra-duty Pay Roll, disallowed August 27, 1902, as per remark to Vou. 1, April, 1898.. 10.50

The paper filed by Captain Walker on August 12, 1902, will be regarded as an appeal from the action of the Auditor in disallowing said items.

Section 6 of the act of April 26, 1898 (30 Stat., 365), provides:

"That in time of war the pay proper of enlisted men shall be increased 20 per centum over and above the rates of pay as fixed by law: *Provided*, That in war time no additional increased compensation shall be allowed to soldiers performing what is known as extra or special duty." * * *

Captain Walker contends that he had no notice of the passage of said act until after the payments had been made, inasmuch as the first mail to arrive in Alaska after the passage of the act was on or about July 18, 1898, which brought him notice of the passage of the act.

The accounting officers are powerless to give favorable consideration to the officer's contention. The act is mandatory, and they have no discretion in carrying into effect its plain provisions. The act took effect on the date of its approval by the President, namely, April 26, 1898, and payments of extra-duty pay on and after date were in contravention of law and a disbursing officer making them can not, under the law, have credit for same in the settlement of his accounts. If the soldier who received the extra-duty pay has money due him for increase of his pay proper, or otherwise, an amount sufficient to offset the overpayment o him should be withheld and carried to the credit of Captain Walker in his accounts. If there is nothing due such soldier, then there is nothing for Captain Walker to do but to reimburse the Government from his private funds for the amount erroneously paid by him, or else seek relief through Congressional enactment.

The action of the Auditor in disallowing the several items is affirmed.

(*Par. 183, A. R.*)

[Cir. 45, Sept. 17, 1902.]

By direction of the Acting Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Duly subpœnaed witnesses who attend courts-martial in the Philippine Islands are entitled to per diem pay and mileage allowed witnesses in attendance upon United States courts, i. e., $1.50 per day for each day actually in attendance upon the court and 5 cents a mile for going from their place of residence to the place of trial and 5 cents a mile for returning.

An employee of the civil government of the Philippine Islands who is paid from insular funds of the islands is not held to be in the employ of the United States.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, August 20, 1902.

The Honorable the SECRETARY OF WAR.

SIR: I have the honor to acknowledge the receipt of your communication of the 15th instant, requesting my decision as follows:

"I have the honor to transmit herewith, together with other papers, a letter from the chief paymaster, Division of the Philippines, dated June 11th, last, relative to the vouchers presented by Mr. J. A. Glover, an employee of the civil government of the Philippines, for services as a witness before a general court-martial convened at Catbalogan, Philippine Islands, by paragraph 15, Special Orders, 102, Headquarters of the Army, dated April 30, 1902.

"It will be seen from these papers that transportation in kind was furnished this witness on an army transport for the entire travel performed in going to the court and returning therefrom.

"Attention is particularly invited to the view of the Judge Advocate General of the Army, as set forth in 6th indorsement on letter above referred to, and in accordance with the recommendation of the military authorities, the papers are submitted to you with request for decision on the following points:

"First. Is a civilian witness entitled to receive the 5 cents per mile as provided in paragraph

1067, Army Regulations, when transportation has been furnished by the Government for the travel necessarily performed in appearing before a military court-martial?

"Second. Is an employee of the civil government of the Philippine Islands who receives payment from the insular funds to be regarded as a civilian in the Government employ within the meaning of paragraph 1066, Army Regulations?

"The return of the accompanying papers, with your reply, is also requested."

Section 848, Revised Statutes, provides:

"For each day's attendance in court, or before any officer pursuant to law, one dollar and fifty cents, and five cents a mile for going from his place of residence to the place of trial or hearing, and five cents a mile for returning." * * *

The paragraphs of Army Regulations, 1901, cited by you are as follows:

"1066. Civilians in the employ of the Government when traveling upon summons as witnesses before military courts are entitled to transportation in kind from their place of residence to the place where the court is in session and return. If no transportation be furnished, they are entitled to reimbursement of the cost of travel actually performed by the shortest usually traveled route, including transfers to and from railway stations, at rates not exceeding 50 cents for each transfer, and the cost of a double berth in a sleeping car or steamer when an extra charge is made therefor. They are also entitled to reimbursement of the actual cost of meals and rooms at a rate not exceeding $3 per day for each day actually and unavoidably consumed in travel or in attendance upon the court under the order or summons. No allowance will be made to them when attendance upon court does not require them to leave their stations.

"1067. A civilian not in Government employ duly summoned to appear as a witness before a military court will receive $1.50 per day for each day actually in attendance upon the court, and 5 cents a mile for going from his place of residence to the place of trial or hearing, and 5 cents a mile for returning; but in Wyoming, Montana, Washington, Oregon, California, Utah, New Mexico, Arizona, and Porto Rico he will be paid 15 cents for each mile necessarily traveled over any stage line or by private conveyance, and in Porto Rico 10 cents for each mile over any railway, in such travel."

It appears from the papers submitted that Mr. J. A. Glover, an employee of the civil government of the Philippine Islands, stationed at Manila, was on May 10, 1902, summoned to appear on May 12, 1902, before a general court-martial convened at Catbalogan, Philippine Islands. Transportation in kind, without subsistence or other expenses, was furnished him on an army transport for the entire travel performed in going to the court and returning therefrom. He presents an account to the paymaster amounting to $50.70, being $40.20 mileage from Manila to Catbalogan and return, 804 miles, at 5 cents per mile, and $10.50, the per diem allowance while in attendance on the court-martial from May 23 to 29, 1902, seven days, at $1.50 per day. My decision is requested as to whether this account is properly payable under the laws and regulations governing such matters.

There may be a question whether section 1202, Revised Statutes, and the act of March 2, 1901 (31 Stat., 950), relating to the right of a judge-advocate of a court-martial to compel witnesses to appear and testify before a court-martial are operative in the Philippine Islands, because the fact that there are no United States courts in the islands, and hence no process by which a judge-advocate can enforce the provisions of the law; but whether they are or not, I am of the opinion that when a witness who is duly subpœnaed does attend, his attendance must be considered as "pursuant to law" within the meaning of the statute. The term "in court," as used in section 848 of the Revised Statutes, has been held by this office to be broad enough to include a court-martial, and that civilian witnesses, who appeared before courts-martial on proper summons, were entitled to the compensation paid witnesses in attendance upon United States courts. (1 Comp. Dec., 79.) The fees prescribed by the statute are $1.50 for each day's attendance upon the court, and 5 cents per mile in going from place of residence to place of trial, and 5 cents per mile for returning. It seems clear that this provision for the payment of fees is applicable wherever courts-martial may sit. The 5 cents per mile specified in the statute was evidently intended as a compensation to witness for both the cost of his transportation and living expenses while en route to the place of trial. If this be so, the furnishing of transportation alone would not defeat the right of the witness to the full 5 cents per mile fixed by the statute. In order to defeat such right, it would seem that the Government must furnish everything for which the 5 cents per mile is a compensation. (MS. Dec., vol. 17, p. 285.)

The present mileage laws provide that officers traveling under orders shall receive 7 cents per mile, and no more; but that when transportation in kind is furnished by the Government there should be deducted from the officer's mileage account 3 cents per mile for the distance for which transportation is furnished.

This means that about 42.69 per cent of the 7 cents per mile is for transportation, and about 57.31 per cent is for the subsistence and other traveling expenses of the officer. The payment of mileage to witnesses before courts-martial is analogous to the payment of mileage to officers of the Army, and carrying the analogy to the present case I am of the opinion that 42.69 per cent of the 5 cents per mile allowed should be charged against the account of the witness because of the transportation which was furnished him on an army transport. For the travel performed and under all the circumstances, this would seem to be the only fair rule for determining the proper deduction. The travel being in the Philippine Islands makes the case exceptional.

As to whether an employee of the civil government of the Philippine Islands, who receives payment from the insular funds, is in the employ of the United States Government within the meaning

of paragraph 1066, Army Regulations, supra, I am of the opinion that he is not. That regulation was evidently intended to apply to those persons who were employed by and paid from the public funds of the United States. The civil government of the Philippine Islands is, it is true, under the authority of the United States, such authority being exercised under and in conformity to the President's instructions to the Philippine Commission, and subject to the approval and control of the Secretary of War. In pursuance of the act of March 2, 1901 (31 Stat., 895, 910), the President, on June 21, 1901, directed that on and after July 4, 1901, the president of the Philippine Commission should be the civil governor of the islands, and should exercise the executive authority in all civil affairs in the government of the islands which had heretofore been exercised by the military governor thereof. The employees of the civil government of the islands are appointed by the proper officers thereof, and as they are paid from the insular funds of the islands, it is not believed that such persons are in the employ of the United States within the meaning of paragraph 1066 of the Army Regulations, supra.

As explained and modified herein, I am of the opinion that you are authorized to direct payment of the fee account of Mr. Glover.

* * * * * * *

Respectfully,

R. J. TRACEWELL,
Comptroller.

(*Pars. 1066 and 1067, A. R.*)

[Cir. 48, Oct. 2, 1902.]

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

EXPENDABLE MATERIAL.—All components or appendages of ordnance stores issued to the Army for the replacement of like parts worn-out in service or lost, and all leather or sponge material issued to the Army to make like components for repairs, also paints, oils, lumber, nails, and screws used for repairs and preservation of ordnance stores, and all lighting and cleaning material for use and preservation of ordnance stores, are expendable and can be dropped from the property returns when actually used for the above-described purposes.

(*Par. 1713, A. R.*)

[Cir. 49, Oct. 9, 1902.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

SUBSISTENCE OF RECRUITS AND RECRUITING PARTIES.—The revocation by General Orders, No. 133, October 11, 1901, from this office, of the provisions of all general orders and circulars theretofore issued from this office relating to the subsistence of recruits and recruiting parties which are not embodied in the Army Regulations of 1901, or in General Orders, No. 130, October 3, 1901, was *not* intended to apply to paragraph I, General Orders, No. 41, March 26, 1901, from this office, which provides for the occasional and temporary employment of an enlisted man sent out from a military post for the purposes therein indicated.

While the order last cited does not expressly limit the number of days for which commutation of rations at the rate of $1.50 per day may be allowed an enlisted man thus employed, such trips are expected to be of short duration and limited to cities and towns adjacent to the post concerned and which are not canvassed from any city station of the general recruiting service.

(*Par. 1410, A. R.*)

[Cir. 51, Oct. 24, 1902.]

I. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

1. Disbursing officers, whether in the line or staff, when issuing checks, will be

governed by the provisions of paragraph I, Circular No. 6, March 1, 1900, from this office.

(*Par. 678, A. R.*)

2. Officers detailed for duty and to fill vacancies in the several staff departments will, in their official correspondence, affix their signatures as required by paragraph I, Circular No. 9, March 21, 1901, from this office.

(*Par. 841, A. R.*)

II. By direction of the Secretary of War, the following is published to the Army for the information and guidance of all concerned:

At every artillery post before any artillery firing or any ballistic test takes place due notice thereof shall be given by the post commander to the artillery district commander and all correspondence relating thereto shall pass through the latter's office.

(*Par. 411, A. R.*)

[Cir. 53, Nov. 12, 1902.]

By direction of the Secretary of War, the following is published for the information of all concerned:

Under date of February 4, 1901, the Comptroller of the Treasury decided as follows:

"A soldier who is detained in the service by delay incident to the muster out of troops after the expiration of his term of enlistment for three years is entitled to pay during the period of his detention, as an incident to his term of enlistment, at the rate to which he was entitled at the expiration thereof, but not to increased pay for the fourth year of his enlistment. The right to an increase of pay for the fourth and fifth years of service can only arise upon reenlistment."

Company and detachment commanders in carrying out the provisions of paragraph 164 of the regulations will in the case of soldiers detained in service under the circumstances set forth by the Comptroller exercise the utmost care in computing continuous service at date of discharge, so that the soldiers shall receive credit only for the term for which they enlisted.

(*Par. 164, A. R.*)

[Cir. 54, Nov. 14, 1902.]

* * * * * * *

2. ACCOUNTS OF OFFICERS BECOMING INSANE.—The same action will be taken by the commanding officer, in the case of an officer in charge of public funds or property, who becomes insane, as is required by paragraph 97 of the Regulations to be taken in the case of the death of an officer.

(*Par. 97, A. R.*)

[Cir. 55, Dec. 1, 1902.]

The following opinion and decision of the Secretary of War are published for the information of all concerned:

WAR DEPARTMENT, *Washington, December 1, 1902.*

A review of the statutes providing for the examination of enlisted men for promotion to the grade of second lieutenant has satisfied me that it was not the intent of Congress to include the attendance of a cadet at the United States Military Academy as any part of the two years' service which is necessary to entitle an enlisted man to compete for promotion. I am of the opinion that the act of July 30, 1892, in providing that soldiers who have served honorably not less than two years in the Army may compete for promotion, refers to enlisted services only. It was designed to benefit the rank and file of the Army and not the young men who for any cause have been dropped from their West Point classes before the end of the course. Accordingly, no enlisted man will hereafter be permitted to

compete for promotion from the ranks except upon compliance with the statutory requirement of two years' enlisted service.

The decision contained in Circular No. 7, from Headquarters of the Army, Adjutant-General's Office, dated March 20, 1900, was erroneous and is now revoked.

ELIHU ROOT,
Secretary of War.

(*Par. 27, A. R.*)

[Cir. 57. Dec. 3, 1902.]

1. Mileage of officers of the Army where transportation and subsistence were furnished for a portion of the journey. Where an officer of the Army was furnished transportation and subsistence over a portion of a journey which he was directed to perform, although by a route other than the established route, he is only entitled to mileage from the point to which he was transported.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, August 14, 1902.

The honorable the SECRETARY OF WAR.

SIR: The Auditor for the War Department has reported for approval, disapproval, or modification the following decision, making an original construction of a statute:

"William L. Alexander, major and commissary of subsistence, U. S. Army, while stationed at Habana, Cuba, was, on October 16, 1901, by Special Orders, No. 239, Adjutant-General's Office, of that date, directed to repair to Washington, D. C., on official business, and upon completion of his duty to return to his proper station. The order stated: 'The travel enjoined is necessary for the public service.' He was furnished transportation by the Quartermaster's Department from Habana, Cuba, to New York City by commercial steamer, which included stateroom and all other living expenses, and returned via Port Tampa, Fla., for which no transportation was furnished. Paymaster Muhlenberg paid him 7 cents per mile from New York City to Washington, D. C. (228 miles), and from Washington, D. C., to Port Tampa, Fla., 1,016 miles, and actual expenses for the sea portion of the journey from Port Tampa to Habana, Cuba. He claims the difference between the amount paid him and the amount he should have received by computing his mileage to and from Washington, D. C., by way of Tampa, Fla., the route established by the Paymaster-General.

"He was entitled to mileage on his order under the provisions made in the Army appropriation act of March 2, 1901 (31 Stat., 901), which, so far as material in this case, provides:

"'For mileage to officers and contract surgeons when authorized by law, $500,000: *Provided*, That hereafter officers so traveling shall be paid 7 cents per mile, and no more, distance to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided, and payment and settlement of mileage accounts of officers shall be made according to distances, and deductions computed over routes established and by mileage tables prepared by the Paymaster-General of the Army, under the direction of the Secretary of War. * * * *Provided further*, That officers who so desire may, on application to the Quartermaster's Department, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, for the entire journey under their orders, and the transportation so furnished shall be a charge against the officer's mileage account to be deducted at the rate of 3 cents per mile by the paymaster paying the account. * * * *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling as herein provided for, to, from, or between our island possessions. * * * All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.'

"This act fixed the measure of allowance for mileage at 7 cents per mile, computed over routes established by mileage tables prepared by the Paymaster-General under the direction of the Secretary of War. The law is clear that the mileage must be computed at 7 cents per mile over established routes. It permits the officer to obtain transportation in kind from the Quartermaster's Department, and provides that the transportation furnished shall be a charge against the officer's mileage account, to be deducted at the rate of 3 cents per mile.

"Under previous appropriation acts mileage was spoken of as a 'subsistence fund,' and has very properly been held to be not an emolument, but a measure of reimbursement for incidental expenses. It does not appear to be the intent of the provisions of the appropriation act of March 2, 1901, supra, to change the character of the allowance, but merely to change the mode of computation. It would seem that if transportation and all living or incidental expenses should be furnished or paid for by the Government, the reason for the law would fail, and that there could be no legal claim for mileage. If for any reason the Government should, without expense to the officer, transport him by a route other than the established route to a point nearer his destination than the point from which mileage would be computed over the established route under the law, it would seem equally clear that mileage should be allowed from the point to which thus transported only, and that mileage should be computed over the established route between the point to which transported and the point of destination.

"In view of the foregoing, I am of the opinion, and so decide, that Maj. William L. Alexander is entitled to mileage for the land portion of his journey from Habana, C ba, and return, from New York City to Washington, D. C., and from Washington, D. C., to Port Tampa, Fla., and to actual expenses from Port Tampa to Habana, Cuba."

The decision of the Auditor appears to be correct, and is approved.

Respectfully,

R. J. TRACEWELL,
Comptroller.

(*Par. 1473, A. R.*)

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2. An enlisted man is not entitled to count time served as a cadet in computing his pay for continuous service.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, November 17, 1902.

The honorable the SECRETARY OF WAR.

SIR: I am in receipt, by your direction, of a communication from the Paymaster-General of the Army, dated October 31, 1902, requesting my decision, as follows:

"Respectfully referred to the Comptroller of the Treasury, through the Adjutant-General of the Army, requesting decision whether the soldier referred to is entitled to count time served as a cadet at the U. S. Military Academy in computing his pay for continuous service, he having enlisted in the Army within three months after his discharge from the Military Academy. By authority of the Secretary of War."

The Assistant Adjutant-General, U. S. Army, states that the records of the War Department show that James M. Gould was admitted into the U. S. Military Academy at West Point August 30, 1899, and was discharged therefrom January 16, 1902, to take effect January 25, 1902, and that he was enlisted March 4, 1902, and assigned to Company M, Ninth U. S. Infantry.

The question to be decided is whether the time served as a cadet at the Military Academy can be counted in computing the soldier's pay for continuous service as an enlisted man in the Ninth U. S. Infantry.

Section 1284, Revised Statutes, as amended by the act of August 1, 1894 (28 Stat., 215), provides:

"Every soldier who, having been honorably discharged, reenlists within three months thereafter, shall be further entitled, after five years' service, including his first enlistment, to receive for the period of five years next thereafter, $2 per month in addition to the ordinary pay of his grade; and for each successive period of five years of service, so long as he shall remain continuously in the Army, a further sum of $1 per month. The past continuous service of soldiers now in the Army shall be taken into account, and shall entitle such soldier to additional pay according to this rule; but services rendered prior to August 4, 1854, shall in no case be accounted as more than one enlistment."

This statute contemplates continuous service rendered as a soldier. The term "soldier" in this connection is used in the same sense as in section 1342, Revised Statutes, namely, to designate an enlisted man as distinguished from a commissioned officer.

It has been held by the accounting officers, in construing section 7 of the act of June 18, 1878 (20 Stat., 150), that a cadet of the Military Academy at West Point is not an enlisted man. (Digest 2d Comp. Dec., vol. 2, sec. 799; 16 Op. Att. Gen., 611; 16 Ct. Cls., 202.)

Service as a cadet is service in the Army (United States *v.* Morton, 112 U. S., 1); but it is not service in the Army as an enlisted man, as construed by the accounting officers * * *.

I am of the opinion, and so decide, in the case you present, that the soldier is not entitled to count time served as a cadet in computing his pay for continuous service in the Ninth U. S. Infantry.

Respectfully,

L. P. MITCHELL,
Assistant Comptroller.

(*Pars. 27 and 1529, A. R.*)

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, December 16, 1902.

U. S. ARMY RECRUITING CIRCULAR.

The following instructions will govern recruiting for the Regular Army hereafter:

Applicants for first enlistment must be between the ages of 21 and 35 years, of good character and temperate habits, able-bodied, free from disease, and must be able to speak, read, and write the English language. Minors will not be enlisted.

Original enlistments will be confined to persons who are citizens of the United States, or who have made legal declaration of their intention to become citizens thereof.

Married men will be enlisted only upon the approval of a regimental commander, or other proper commanding officer if there be no regimental organization.

Applicants will be required to satisfy the recruiting officer regarding age and character, and should be prepared to furnish the necessary evidence.

For infantry and coast artillery the height must be not less than 5 feet 4 inches and weight not less than 120 pounds and not more than 190 pounds.

For cavalry and field artillery the height must be not less than 5 feet 4 inches and not more than 5 feet 10 inches, and weight not to exceed 165 pounds. No minimum weight is prescribed for these arms, but the chest measures must be satisfactory.

A variation not exceeding a fraction of an inch in height is permissible if the applicant is in good health and desirable as a recruit.

Table of physical proportions for height, weight, and chest measurement.

Height.		Weight.	Chest measurement.	
			At expiration.	Mobility.
Ft.	*In.*	*Pounds.*	*Inches.*	*Inches.*
5	4	128	32	2
5	5	130	32	2
5	6	132	32⅛	2
5	7	134	33	2
5	8	141	33¼	2½
5	9	148	33½	2½
5	10	155	34	2½
5	11	162	34¼	2½
6		169	34½	3
6	1	176	35¼	

It is not necessary that the applicant should conform exactly to the figures indicated in the foregoing table. A variation not exceeding 10 pounds in weight or 2 inches in chest measurement (at expiration) below the standard given in the table is admissible when the applicant for enlistment is active, has firm muscles, and is evidently vigorous and healthy. The table is given to show what is regarded as a fair standard of physical proportions and not as an absolute guide to be followed in deciding upon the acceptance of recruits.

Marked disproportion of weight over height is not a cause for rejection unless the applicant be positively obese.

Applicants must defray their own expenses to the place of enlistment. Their fitness for the military service can be determined only upon examination at a military post or other recruiting station.

The term of service is three years.

All soldiers receive from the Government (in addition to their pay) rations, clothing, bedding, medicines, and medical attendance.

The following are the rates of pay as fixed by law:

Grade.	Pay proper per month.
COMPANY.	
Private—Cavalry, artillery, and infantry	$13
Musician—Cavalry, artillery, and infantry	13
Wagoner—Cavalry	14
Artificer—Field artillery and infantry	15
Saddler—Cavalry	15
Farrier and blacksmith—Cavalry	15
Corporal—Cavalry, artillery, and infantry	15
Cook—Cavalry, artillery, and infantry	18
Mechanic—Coast artillery	18
Sergeant—Cavalry, artillery, and infantry	18
Quartermaster-sergeant—Cavalry, artillery, and infantry	18
First sergeant—Cavalry, artillery, and infantry	25

Grade.	Pay proper per month.
REGIMENT OR CORPS.	
Sergeant-major and quartermaster-sergeant—Cavalry and infantry	34
Commissary-sergeant—Cavalry and infantry	34
Sergeant-major (senior grade)—Artillery	34
Sergeant-major (junior grade)—Artillery	25
Squadron sergeant-major—Cavalry	25
Battalion sergeant-major—Infantry	25
Color-sergeant—Cavalry and infantry	25
Drum major—Cavalry, artillery, and infantry	25
Chief trumpeter—Cavalry and artillery	22
Principal musician—Cavalry, artillery, and infantry	22
BATTALIONS OF ENGINEERS.	
Private second class—Company	13
Private first class—Company	17
Corporal and cook—Company	20
Sergeant—Company	34
Quartermaster-sergeant—Company	34
Sergeant-major and quartermaster-sergeant—Battalion	36

The pay proper of enlisted men "serving beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto," is increased twenty per centum over and above the rates of pay proper as given above.

When soldiers reenlist within three months of date of discharge their service is continuous, and for such continuous service there is added $1 per month for third year, $2 per month for fourth year, $3 per month for fifth year, and thereafter $2 per month additional is allowed for the sixth to the tenth year, inclusive, and for continuous service of more than ten years an additional $1 per month for each successive period of five years

The soldier can deposit his savings in sums not less than $5 with any Army paymaster, and for sums so deposited for the period of six months or longer, the soldier, on his final discharge, will be paid interest at the rate of four per cent per annum. These deposits are nonforfeitable except for desertion.

Whenever a soldier is honorably discharged at the expiration of his enlistment, or on account of disability not caused by his own misconduct, his travel-pay is ample to carry him to the place of enlistment.

By care and economy a soldier can save from his clothing allowance a considerable sum, payable to him on his discharge.

For soldiers who have served honestly and faithfully twenty years, or who have been discharged for wounds received, or disease incurred in service, a comfortable home is maintained in the city of Washington. The sum of 12½ cents per month is deducted from each soldier's pay, to be applied toward the support of the home. After thirty year's service enlisted men are entitled to be retired, and upon retirement receive three-fourths of the monthly pay allowed by law to them in the grade they held when retired, and $9.50 per month additional as commutation for clothing and subsistence.

(*Art. LXXI. A. R.*)

[Cir. 61, Dec. 18, 1902.]

By direction of the Secretary of War, the following decision has been made and is published to the Army for the information and guidance of all concerned:

ALLOWANCES OF FORAGE OF CONTRACT SURGEONS AND CONTRACT DENTAL SURGEONS.—There is no authority of law or regulation for the sale or issue of forage by the Quartermaster's Department for feeding the private horses of a contract surgeon or a contract dental surgeon.

(*Par. 1574, A. R.*)

[Cir. 62, Dec. 24, 1902.]

By direction of the Secretary of War, the following memorandum, prepared by the Surgeon General of the Army, upon the subject of typhoid fever contagion and the means of preventing it is published to the Army for the information and guidance of all concerned:

PERSONAL HYGIENE FOR THE PREVENTION OF TYPHOID FEVER IN CAMPS.—Typhoid fever is a very common disease in the United States, and is particularly liable to spread among soldiers in camp and garrison because of the intimate association of men gathered together in barracks and tents. It is conveyed by the fecal and urinary discharges of persons suffering from the disease.

It often happens that a soldier suffering from typhoid fever remains on duty for several days before he seeks relief at the hospital. Furthermore, very mild cases occur which are never treated as such.

The disease is not contagious in the sense that the mere presence of a case determines contagion, as in smallpox or measles, but particles of human excrement containing the germ of the disease may in many ways be transferred from the sick to the well and cause typhoid fever. In this sense it is contagious.

That an infected water supply is a common cause of the disease is well known, but it is likely that in camp life a greater number of cases occur from direct contagion, man to man, than from infected drinking water. It is not probable that several hundred men can be assembled in a camp without at least one case of typhoid fever being introduced from outside, and this case may not be recognized until infection of others has taken place. Therefore, the immediate destruction or disinfection of the discharges of all persons in camps without sewers is an imperative necessity.

The fever may be spread by flies from infected excrement settling on articles of food in company kitchens and in other ways; also by dust containing dried particles of infected matter.

Therefore, willful or careless soiling of the neighboring ground by excrement or urine should be counted a serious military offense, as it is quite possible for a single instance of this kind to cause the sickness or death of many comrades.

The disease can be easily transmitted by dirty hands, soiled clothes, filthy playing cards, and numerous other ways by which very minute particles of human ordure may obtain entrance to the mouth.

Therefore, the personal cleanliness of men in camp should be a matter of gravest concern to officers and noncommissioned officers exercising authority, and every soldier should be instructed in the very simple principles governing infection by personal uncleanliness. The weekly bath should be insisted on and facilities furnished for it. Daily bathing should be encouraged whenever possible.

Washing the hands with soap and water and the use of individual nail brushes after going to the sinks and before meals is a necessity in camp life if danger to health is to be avoided.

The use of toilet paper is essential to personal cleanliness, and each soldier should at all times have a supply with him.

Soldiers using underclothing, towels, pipes, nail brushes, etc., which have been used by other men, do so at the risk of infection. Clothing and bedding soiled by discharges from the body should instantly be washed, or if woolen, disinfected.

Complete protection of food from contamination by flies, dust, and promiscuous handling should be had at all costs.

When a case of typhoid fever is removed from a tent, the site, the canvas, and the articles within the tent should be disinfected.

With simple precautions cases of typhoid fever may be and are handled by nurses and attendants in hospitals without danger to themselves.

Without such precautions on the part of all men typhoid fever once introduced into camp will undoubtedly spread.

(*Par. 1635, A. R.*)

[Cir. 63, Dec. 29, 1902.]

By direction of the Secretary of War, the following decision of the Comptroller of the Treasury is published to the Army for the information and guidance of all concerned:

Continuous-service pay. An application for reenlistment made within three months does not entitle soldier to continuous-service pay. The benefit provided in section 1284, Revised Statutes, amended by the act of August 1, 1894 (28 Stat., 216), can be obtained only by actual reenlistment of the soldier before the expiration of the prescribed three months.

TREASURY DEPARTMENT,
OFFICE OF COMPTROLLER OF THE TREASURY,
Washington, November 26, 1902.

Leon C. Baker appealed November 26, 1902, from the action of the Auditor for the War Department in settlement No. 384218, dated June 3, 1902.

He claimed pay and allowances and pay for continuous service as private of Troop C, Seventh U. S. Cavalry.

The Auditor disallowed the claim, as follows:

"As he did not actually reenlist until August 14, 1899, he is not entitled to pay and allowances from August 1 to 13, 1899. Not having reenlisted within three months from date of discharge he is not entitled to continuous-service pay."

It appears from the records as furnished by the War Department that the claimant was first enlisted July 8, 1895, for three years, was assigned to Troop C, Seventh U. S. Cavalry, and was discharged July 7, 1898, by reason of expiration of term of service, a private. He reenlisted July 11, 1898, was assigned to Battery A, Third U. S. Artillery, and was discharged May 1, 1899, under the provisions of General Orders, No. 40, of 1898, a private. He again reenlisted August 14, 1899, for three years, was assigned to Troop C, Seventh U. S. Cavalry, and was discharged, according to his own statement, August 1, 1902.

The claim is particularly made for pay from August 1 to 13, 1899, and for continuous-service pay under section 1284, Revised Statutes, under the enlistment of August 14, 1899.

The Adjutant-General U. S. Army reported May 27, 1902, as follows:

"The soldier referred to herein, when discharged May 1, 1899, in camp at Circle City on the Yukon River, Alaska, was not furnished a discharge certificate, there being no blank forms on file with the battery at that time and he did not receive the official certificate of discharge for some time afterwards. On July 15, 1899, within three months after his discharge, he applied to Capt. Edgar S. Walker, Eighth Infantry, at St. Michael, Alaska, to reenlist for his former battery, and was told by Captain Walker that as he had no discharge certificate he could not reenlist him, and that he would have to wait until the opening of navigation and the battery came down the river, which would be in about a month. The soldier then proceeded to San Francisco, Cal., where he was actually enlisted August 14, 1899, and upon his appeal to the War Department, under the provisions of A. R. 835, his reenlistment was antedated by authority of this office to the day upon which the three months expired, viz, August 1, 1899, the soldier having applied for reenlistment within the period, and should have been reenlisted."

Section 1284, Revised Statutes, as amended by the act of August 1, 1894 (28 Stat., 215), provides:

"Every soldier who, having been honorably discharged, reenlists within three months thereafter, shall be further entitled, after five years' service, including his first enlistment, to receive, for the period of five years next thereafter, $2 per month in addition to the ordinary pay of his grade; and for each successive period of five years of service, so long as he shall remain continuously in the Army, a further sum of $1 per month. The past continuous service of soldiers now in the Army shall be taken into account, and shall entitle such soldier to additional pay according to this rule; but services rendered prior to August 4, 1854, shall in no case be accounted as more than one enlistment."

This statute specifically requires that the soldier must reenlist within three months after having been honorably discharged in order to have his service regarded as continuous and to entitle him to the additional pay therein authorized.

Paragraph 835, Army Regulations, 1895, and paragraph 933, Army Regulations, 1901, provide:

"Enlistments will not be antedated so as to allow a soldier additional pay for reenlistment who applies after the period for reenlisting has expired; but when a soldier presents himself for reenlistment and it is necessary to obtain information in his case, or the approval of higher authority, his reenlistment may be made to antedate the time of administering the oath, but must not bear a date prior to the day on which he presented himself."

The question in this case is, When did the soldier reenlist after his honorable discharge at Circle City, on the Yukon River, Alaska, on May 1, 1899. It is shown that on July 15, 1899, within three months after his discharge, he applied to reenlist and was told that as he had no discharge certificate he could not be reenlisted and that he would have to wait until the battery came down the river, which would be about a month. He then proceeded to San Francisco, Cal., where he was actually enlisted August 14, 1899, which was more than three months after his discharge. To entitle him to receive the benefit of the above statute, he must have reenlisted within three months after his discharge. If the above regulation is in conflict with the statute, the statute must prevail and not the regulation. If the soldier had been in the service and on July 15, 1899, had made application to be discharged therefrom, which was granted on August 14 following, and a discharge issued to him on that date, such discharge could not be dated July 15 so as to stop his pay from that

time. The date when he applied for his discharge in such case is immaterial, and he is entitled to receive pay until he is actually discharged, regardless of the time when he applied for such discharge, and upon the facts stated in this case I do not think that because he applied to reenlist on July 15 and was told that he could not do so for reasons stated, and in fact did not do so, is material. He did not reenlist until August 14, 1899, and until then he had not reentered the service, was at liberty to go where he pleased, perform no military service, was not subject to military rules and regulations, and if after he had been discharged and before he had actually reenlisted he had committed an offense, I do not think he would have been subject to trial by military court-martial, for the simple reason that he was not in the military service. If he was not in fact in the military service until August 14, I do not think he can be regarded in the military service prior to that date by antedating his reenlistment. The fact that the soldier was prevented from reenlisting within three months from date of his discharge because of circumstances which he could not control and which it would seem the Government might have controlled does not change the facts nor the law which must govern. I am of opinion that he must be regarded as having reenlisted August 14, 1899, and that he is not entitled to receive pay and allowances prior to that date or pay for continuous service under the above statute. (See 6 Comp. Dec., 754; MS. Dec., vol. 21, p. 1261.)

The action of the Auditor for the War Department in disallowing the claim is affirmed, and I find and certify no difference.

L. P. MITCHELL,
Assistant Comptroller.

(*Pars. 933 and 1529, A. R.*)

[Cir. 64, Dec. 30, 1902.]

The following decision has been made and is published to the Army for the information and guidance of all concerned:

DESCRIPTIVE LISTS AND DESCRIPTIVE AND ASSIGNMENT CARDS.—After the descriptive list or the descriptive and assignment card of a soldier has been duly prepared and signed by the officer responsible therefor, subsequent changes in the soldier's pay and accounts will be noted on the descriptive list or the descriptive and assignment card by indorsement in due form over the signature of the officer making the change. Under no circumstances will slips of paper be pasted or attached to a descriptive list or descriptive and assignment card.

(*Pars. 115 and 949, A. R.*)

MEMORANDUM.

Army Regulations, 1901, amended, modified, etc., by General Orders and Circulars, Adjutant-General's Office, since publication, to include December 31, 1902.

Paragraph, Army Regulations.	General Orders.	Circulars.	Year.
5	18	.....	1902
9	140	30	1901
9	39	18	1902
13	.....	34	1901
27	119	55	1902
27	.....	57	1902
30	119	.....	1902
50	.....	29	1901
50	82	.....	1902
56	68	.....	1902
88	139	.....	1901
88	132	40	1902
97	.....	54	1902
100	144	.....	1901
101	82	.....	1902
103	25	.....	1902
104	25	.....	1902
105	25	.....	1902
110	144	.....	1901
110	28	.....	1902
111	92	.....	1902
112	119	.....	1902
115	.....	64	1902
123	82	.....	1902
125	140	.....	1901
125	160	.....	1901
127	119	.....	1901
135	26	.....	1901
138	.....	27	1902
139	140	.....	1901
144	.....	4	1902
146	140	.....	1901
149	140	.....	1901
149	.....	31	1902
151	.....	5	1902
151	.....	39	1902
152	.....	38	1901
153	.....	2	1902
153	.....	15	1902
155	76	.....	1902
156	.....	22	1902
159	140	27	1901
159	.....	39	1902
162	131	5	1902
162	.....	37	1902
164	140	.....	1901
164	.....	53	1902
170	119	.....	1902
180	.....	21, 42	1902
183	28	25	1902
183	.....	44	1902
195	125	.....	1902
198	.....	29	1901
198	.....	48	1901
211	89	.....	1901
211	47	.....	1902
214	140	35	1901
227	118	.....	1901
227	137	.....	1901
227	119	6	1902
247	.....	37	1901
249	.....	37	1901
254	.....	7	1902
257	.....	8	1902
261	119	.....	1902

Paragraph, Army Regulations.	General Orders.	Circulars.	Year.
268	140	.....	1901
269	39	.....	1902
294	.....	6	1902
309	28	.....	1902
316	157	.....	1901
319	.....	30	1901
331	.....	13	1901
354	.....	25	1901
363	90	.....	1901
363	.....	13	1902
363	.....	25	1902
367	118	.....	1901
368	.....	12	1902
369	51	.....	1902
382	58	.....	1902
383	58	.....	1902
384	137	.....	1901
385	58	.....	1902
392	149	.....	1901
400	137	.....	1901
400	34	.....	1902
407	82	.....	1902
408	118	.....	1901
411	.....	31	1902
411	.....	51	1902
415	119	.....	1902
416	77	.....	1902
436	.....	7	1902
465	153	.....	1901
465	128	.....	1902
466	128	.....	1902
468	128	.....	1902
531	117	.....	1901
532	.....	45	1901
537	22	.....	1902
541	60	.....	1902
541	115	.....	1902
555	130	.....	1901
558	.....	17	1902
581	.....	4	1902
585	.....	4	1902
596	.....	31	1901
640	165	.....	1901
648	.....	31	1901
664	130	.....	1901
664	140	.....	1901
665	133	.....	1901
666	130	.....	1901
678	110	.....	1901
678	.....	51	1902
681	125	.....	1901
681	140	.....	1901
687	110	.....	1901
696	28	.....	1902
709	140	.....	1901
709	160	.....	1901
709	1	.....	1902
709	130	.....	1902
715	28	.....	1902
729	28	.....	1902
731	.....	12	1901
736	.....	37	1902
737	131	.....	1902
753	.....	14	1902
764	.....	45	1901
764	.....	13	1902

Army Regulations, 1901, amended, modified, etc.—Continued.

Paragraph, Army Regulations.	General Orders.	Circulars.	Year.
772	28	.....	1902
791	.....	30	1901
808	14	.....	1902
809	.....	26	1901
817	130	.....	1901
818	68	.....	1902
819	.....	15	1902
829	61	.....	1901
829	3	.....	1902
841	.....	51	1902
853	70	.....	1901
891	119	.....	1902
900	119	.....	1902
901	119	.....	1902
908	104	.....	1901
908	118	5	1902
924	.....	3	1902
933	.....	63	1902
940	63	.....	1901
940	28	.....	1902
942	.....	35	1901
948	46	.....	1902
949	.....	61	1902
953	127	.....	1902
954	127	.....	1902
975	119	.....	1901
1009	82	.....	1902
1011	.....	13	1901
1017	167	20	1901
1029	129	.....	1901
1031	167	.....	1901
1032	167	.....	1901
1036	129	.....	1901
1049	.....	36	1902
1052	.....	36	1902
1053	.....	36	1902
1066	.....	38	1901
1066	.....	45	1902
1067	.....	38	1901
1067	.....	45	1902
1074	.....	3	1902
1075	.....	3	1902
1095	28	.....	1902
1108	.....	23	1901
1110	140	.....	1901
1110	39	.....	1902
1110½	39	.....	1902
1114	39	.....	1902
1117	39	.....	1902
1128	.....	23	1901
1130	39	.....	1902
1150	119	.....	1901
1157	140	.....	1901
1232	39	.....	1902
1242	121	.....	1901
1242	39	.....	1902
1287	82	.....	1902
1288	82	.....	1902
1289	82	.....	1902
1290	82	.....	1902
1291	82	.....	1902
1292	82	.....	1902
1293	82	.....	1902
1294	82	.....	1902
1295	82	.....	1902
1310	82	.....	1902
1311	106	.....	1901
1313	82	.....	1902
1314	82	.....	1902
1321	140	.....	1901
1328	39	.....	1902
1328	119	.....	1902
1351	82	.....	1901
1352	165	.....	1901
1355	130	.....	1901
1356	165	.....	1901
1368	165	.....	1901
1370	165	.....	1901
1377	157	.....	1901
1377	119	.....	1902
1378	113	.....	1901
1378	166	.....	1901
1378	14	.....	1902
1378	49	.....	1902
1378	119	.....	1902
1378	121	.....	1902
1380	130	.....	1901
1380	119	.....	1902
1382	157	.....	1901
1384	.....	25	1901
1387	119	.....	1902
1388	133	.....	1901
1390	11	.....	1902
1390½	39	.....	1902
1392	82	43	1901
1392	130	.....	1901
1392	129	31	1902
1394	130	.....	1901
1395	.....	43	1901
1395	129	.....	1902
1396	130	.....	1901
1398	121	.....	1902
1401	39	.....	1902
1402	39	.....	1902
1403	130	.....	1901
1403	164	.....	1901
1404	130	.....	1901
1404	123	.....	1902
1404½	130	.....	1901
1404½	133	.....	1901
1406	11	.....	1902
1407	119	.....	1902
1410	119	49	1902
1411	133	.....	1901
1412	133	.....	1901
1413	133	.....	1901
1413½	130	.....	1901
1413½	133	.....	1901
1415	133	.....	1901
1419	165	.....	1901
1421	.....	38	1901
1421	83	.....	1901
1421	.....	37	1902
1425	130	.....	1901
1426	113	.....	1901
1426	166	.....	1901
1426	49	.....	1902
1426	129	.....	1902
1430	130	.....	1901
1431	133	.....	1901
1431	82	.....	1902
1445	62	.....	1901
1446	.....	29	1901
1446	.....	34	1901
1447	.....	41	1902
1448	164	29	1901
1448	.....	34	1901
1449	140	.....	1901
1449	68	.....	1902
1450	.....	17	1902
1455	.....	29	1901
1458	.....	29	1901
1472	.....	40	1901
1473	.....	29	1902
1473	.....	57	1902
1475	119	.....	1902
1487	140	.....	1901
1491	.....	17	1902
1492	39	17	1902
1492	82	.....	1902
1520	119	.....	1902
1528	140	.....	1901
1528	.....	22	1902
1529	.....	22	1902
1529	.....	57	1902
1529	.....	63	1902
1530	140	.....	1901
1531	119	.....	1902

Army Regulations, 1901, amended, modified, etc.—Continued.

Paragraph, Army Regulations.	General Orders.	Circulars.	Year.
1533	119	.....	1902
1534	119	.....	1902
1545	.....	36	1902
1546	.....	29	1901
1546	.....	48	1901
1552	140	.....	1901
1559	.....	44	1901
1562	83	38	1901
1562	.....	44	1901
1562	.....	15	1902
1562	.....	37	1902
1563	.....	33	1902
1563	.....	39	1902
1564	140	.....	1901
1570	82	.....	1901
1574	63	2	1902
1574	.....	61	1902
1581	26	.....	1902
1583	140	.....	1901
1595	140	.....	1901
1595	160	.....	1901
1595½	139	.....	1901
1596	140	.....	1901
1598	140	.....	1901
1598	160	.....	1901
1599	140	.....	1901
1599	160	.....	1901
1604	140	.....	1901
1608	82	.....	1902
1612	140	.....	1901
1616	140	.....	1901
1617	140	.....	1901
1617	160	.....	1901
1618	140	.....	1901
1634	140	.....	1901
1635	.....	62	1902
1651	140	.....	1901
1661	113	.....	1901
1661	166	.....	1901
1661	14	.....	1902
1661	49	.....	1902
1665	140	.....	1901
1668	68	23	1901
1670	140	.....	1901
1671	82	.....	1902
1692	65	.....	1901
1695	121	.....	1902
1700	84	.....	1901
1713	.....	48	1902
1717	42	.....	1902
1721	135	.....	1901
1721	154	.....	1901
1761	.....	6	1902

Article, Army Regulations.	General Orders.	Circulars.	Year.
IV	.....	7	1902
VIII	.....	41	1901
X	.....	38	1901
XVII	.....	47	1901
XXVI	.....	22	1901
XXVI	.....	29	1901
XXVI	.....	30	1901
XXVI	.....	18	1902
XXXIX	.....	5	1902
XXXIX	.....	9	1902
XLI	.....	6	1901
XLI	.....	21	1901
XLI	.....	11	1902
L	155	.....	1901
LXXI	.....	.....	(a)
LXXXVI	132	.....	1902
b 112	.....	20	1901

a Dec. 16, 1902.

b Article of war.

INDEX.

[References are to PARAGRAPHS and ARTICLES OF WAR (pp. 241–254) by their numbers. An Article of War is indicated by the letters A. W., followed by the number of the article.]

SEE PAGE 467 FOR INDEX TO APPENDIX.

Abatement:
Term of confinement, 1016.
Absence:
Certificates of, A. W. 12; A. W. 13.
Leaves of, 54–71.
Pay during, 1464–1471.
Sick, 72–76.
Without leave, 144; A. W. 32.
See *Desertion.*
Absent Officer:
Reports, 895–898.
Abstracts:
Of issues, subsistence, 1406.
Of proposals, 617, 619, 625.
Abusive Language:
Use of, by superiors, 2.
Accountability:
Money, 658, 738.
Property, 739–807, 1163–1165.
Accountable Officer, 739, 740, 1163–1169.
See *Property.*
Accounts:
Administrative examination, 737, 738.
Advertising, 585–587.
Contingent funds, 215.
Inspection of, 971, 977, 978.
Job printing, 589–591.
Medical attendance, 1656–1665.
Printing, 589–591.
Settlement of, 83.
Subsistence Department, 1441.
Visits to Washington to settle, 83.
Accounts Current, 708–712.
Abstracts to accompany, 701.
Closing, 712.
Fiscal years, 701.
Forms, 708.
How made, 708.
Orders to accompany, 711.
Original vouchers, 710.
Outstanding debts, 712.
Vouchers, 710.
Accouterments, 298, 301, 307, 309.
Accusations of Crime, A. W. 59.
Acting Commissary:
Pay, 1453.
Acting Hospital Stewards:
Detail, 1595, 1596.
Rank, 9.
Revocation, 1594.
Administration of Oaths, 22.
Action:
Casualties in, reports, 887, 888.
Reports of, 885, 886.
Actual Expenses:
Sea travel, 1473.
Adjutant, 260–264.
See *Regimental Adjutant.*
Adjutant-General:
Applications for discharge, 160.
Applications for troops, 566.
Appointments, notices of, 20.
Artillery corps, returns, 367.
Artillery officers, reports, 367.
Battle reports, 884–889.
Burial of officers, 99.
Casualty lists, 887, 888.
Certificate of merit, 199.
Chaplain's reports, 50.
College details, 43.
Corrections on muster rolls, 875.
Correspondence, 837–855.
Death of officers, reports, 93.
Deceased soldiers, 176–178.
Delays in returning from sick leave, 75.
Depositories, lists, 660.
Descriptive books, 271.
Deserters—
At recruiting stations, 128.
Examination of, reports, 132.
Release, 131.
Details to staff, 36.
Effects of deceased officers, 94, 96.
Efficiency reports, 900–905.
Electrician sergeants, examinations, 110.
Enlistments, 921–938.
Furloughs, 119.
Insane patients, 547.
Insane, release, 549.
Individual service reports, 899.
Inspection reports, 970, 972, 976.
Information, requests for, 833.
Inventories of effects, 94.
Leaves of absence, 56.
Libraries, inventories, 343.
Loss of company, regimental, and bakery funds, 323.
Mail contractors, 225.
Marine Corps, deserters from, 145.
Musicians for bands, 278.
Muster rolls, 872–875.
Notices of appointment, 20.
Officers traveling abroad, reports, 66.
Orders, 856–871.
Ordnance stores, surplus, reports, 1717.
Passports, 67.
Penalty envelopes, 906–911.
Personal reports, 895–899.
Officers on leave, 68.
Post exchanges, 364.

Adjutant-General—Continued.
Post noncommissioned staff—
Applications, 101.
Descriptive lists, 111.
Examinations, 103.
Monthly reports, 112.
Reenlistment, 113.
Post schools, 358.
Records, 890–894.
Reenlistments, 934–938.
Recruits—
Assignment, 948.
Enlistment, 921–933.
Recruiting—
At posts, 953.
Departmental, 953, 954.
Regimental, 955.
Returns, Hospital Corps, 1598.
Service, 833, 912, 955.
Resignations, 89.
Retirement of enlisted men, 146–150.
Returns of troops, 876–889.
Soldiers' Home, admission, 192.
Subsistence funds, 666.
Transports, deaths on, 1200.
Veterans' discharge, 156.
Adjutant-General's Department:
Advertising, 578–587.
Battle reports, 884–889.
Boards, 824.
Changes of station, 822, 823.
Civil employees, 808–820.
Command of officers of, 17.
Correspondence, 837–855.
Deposit of orders, 869–871.
Distribution of orders, 867.
Duties, 821–823, 833, 834.
Envelopes, penalty, 906–911.
False musters, A. W. 14.
Military correspondence, 837–855.
Muster rolls, 872–875.
Orders, 833, 856–871.
Penalty envelopes, 906–911.
Records, 833.
Recruiting service, 821, 833, 912–955.
Reports—
Battle, 853–889.
Efficiency, 900–904.
Personal, 895–899.
Returns of troops, 876, 889.
Troops—
Records of, 833.
Returns of, 876–889.
Adjutant-General's Office:
Arrival of officer, report, 895.
Battle reports, 884–889.
Correspondence, 837–855.
Efficiency reports, 900–905.
Individual service reports, 899.
Muster rolls, 872–875.
Orders, 856–871.
Personal reports, 895–905.
Records, 890–894.
Recruiting service, 912–955.
Reports, 884–889, 895–905.
Returns, 876–889.
Service reports, 899.
Adjutants-General:
Assignments to command, 17.
Books, returns of, 343.
Command, 17.
Details, 217.
Duties, 214.
Libraries, 343.
Schools, 358.
Adjutants of Posts:
Detail and duties, 221.
Formation of detachments, 440.
Fuel and stoves for office, 1110.
Morning reports, 448.
Post noncommissioned staff, 872.
Summary court records, 1038.
Adjutants of Regiments:
Appointment, etc., 260.
Assignments to company or staff duty, 263.
Band instruments, 277.
Company order books, 294.
Forage, 1157.
Fuel and stoves for office, 1110.
General duties and responsibilities, 263–265.
Morning reports, 448.
Noncommissioned officers, 265.
Qualifications, 260.
Tenure of office, 261.
Treasurer of regimental fund, 326.
Administration:
Councils of, 317–323.
Effects of deceased soldiers, 179.
Examination of money accounts, 737, 738.
Administrators:
Payments to, 734.
Admiral:
Relative rank, 12.
Admonitions, 1027.
Advertisements:
Accounts, 585, 587.
Authority for, 581.
Certificates, 586.
Forms, 580.
General authority, 581.
Insertions, 583, 584.
Lists of newspapers, 578, 579.
Preparation, 580.
Proposals, 598–602.
Publication, 583, 584.
Rates, 578.
Requests for, authority, 581.
Special authority, 581.
Chief clerk, supervision, 585.
Vouchers for, 585–587.
Wording, 580.
Advising to Desert:
Punishment, A. W. 51.
Affair:
Casualties in, reports, 887, 888.
Age:
Limits of, for—
Enlistment, 921.
Promotion, 27.
Civil appointments, 33.
Dental surgeons, 1578.
Agents:
Selection of, 755.

Aids:
Appointment, 40.
Brigadier-generals, 40.
Lieutenant-General, 40.
Major-generals, 40.
Rank, 40.
Reports of, 892.
Selection, 40.
Term of service, 40.
Alarm:
False, A. W. 41.
Alaska:
Payments to troops in, 1504.
Aliens:
Enlistment prohibited, 923.
Allotments:
Barracks and quarters, 1088.
Contingent expenses, 215.
Draft and pack animals, 1184.
Extra-duty pay funds, 190.
Funds, civilian employees, 810.
Allotments of Pay by Enlisted Men:
Allottees, 1532, 1536–1541, 1543.
Capture of grantor, 1539.
Company commander, 1532–1535.
Credits for, 1538.
Death of grantor, 1534.
Desertion, 1534.
Designation of allottee, 1531–1533.
Discharge of grantor, 1534.
Discontinuance, 1534, 1541, 1544.
Errors in, 1537.
Execution, 1533.
Extra-duty funds, 182, 190.
Forfeitures, 1534.
Grantor, 1531, 1532–1534, 1538–1540, 1541, 1542, 1544.
Method, 1532–1535.
Payments, 1536–1543.
Procedure, 1532–1535.
Renewal, 1544.
Reports, 1532–1535, 1537.
Transfer of grantor, 1540.
Witnesses, 1533.
Allowances:
Ammunition, 418.
Baggage, 1241–1245.
Barracks and quarters, 1080–1100, 1110, 1111.
Brooms, 1328, 1329.
Brushes, scrubbing, 1328.
Clothing, 1301–1312.
Commutation of rations, 1410–1425.
Corn brooms, 1328, 1329.
Discharged soldiers, 1562–1564.
Electric lights, 1129–1135.
Flour for target practice, 1403.
Forage, 1154–1162.
Fuel, 1101–1115.
Gas, 1129–1135.
Horses, 1182.
Indian scouts, 558.
Military attachés, 41, 1242–1244.
Officers' horses, transportation, 1182.
Quarters, 1080–1111.
Rations, 1377–1402.
Retired enlisted men, 149.
Rooms, 1099, 1110, 1111.
Allowances—Continued.
Scrubbing brushes, 1328.
Spring wagons, 1187.
Stationery, 1136–1140.
Stoves, 1101–1115.
Straw, 1154–1162.
Tableware, 1324, 1325.
Target practice, 418–421.
Transportation, 1183–1285.
Travel, 77–84, 1472, 1488.
Veterinarians, 201.
Altering Clothing, 293.
Ambassadors:
Honors to, 450.
Salutes to, 468.
Ambulances, 1189, 1610–1615.
Allowances, 1611.
Use, 1189, 1610, 1612.
Ammunition:
Allowances, 413, 414, 418, 419.
Artillery, 413, 414.
Evening gun, 226.
Expenditures, 1713–1716.
Morning gun, 226.
Sale, waste, etc., A. W. 16.
Small-arms practice, 418, 419.
Amusement Rooms:
Illuminating supplies, 1118, 1129.
Animals:
Assignment, 1149.
Branding, 1145.
Forage, 1154–1157, 1162.
Purchases, 1141.
Requirements, 1142, 1143.
Use, 1158.
Appointments:
Civil life, 33–35.
Contract surgeons, 1574, 1577.
Dental surgeons, 1574, 1578, 1579.
General officers, 21.
Medical Department, 1572, 1573.
Notice of, 20.
Pay, commencement of, 1453–1455.
Post noncommissioned staff, 100–105, 110.
Second lieutenants, 26.
Staff, 36–42.
Veterinarians, 200, 204.
Approbation:
Expression of, prohibited, 5.
Appropriations:
Accounts current to show, 701.
Application, 658.
Balances, 705–707.
Contingent expenses, 703.
Fiscal years, 699.
Remittances to show, 700.
Supplemental accounts, 706.
Vouchers to show, 701.
Approval of Sentences, A. W. 104–111.
Arctic Overshoes, 1310.
Arm Chests, 1725.
Arms:
Care, 298.
Taking apart, 306.
Arms of Service:
Precedence of, 6.

Army and Navy General Hospital, 1623–1626.
Army:
Commanding general, command, 205.
Army Medical School, 542, 543.
Army Service Schools, 531–543.
Army Transport Service:
Character, 1194.
Control, 1193, 1196.
Consuls, visits to, 1199.
Deaths, 1200.
Duties, 1193–1200.
Legations, visits to, 1199.
Medical Department, 1196.
Quartermaster, 1197–1200.
Register, 1200.
Regulations, 1193.
Service, 1193–1198.
Supplies, 1196, 1197.
Army War College, 530.
Arraignment, A. W. 89.
Arriving Officers:
Visits to, 481.
Arsenals:
Command, 208.
Inspection, 968, 971, 974–976.
Arson:
In time of war, A. W. 58.
Articles of War:
Absence without leave, A. W. 31–35, 40.
Abuses and disorders, A. W. 54.
Appeals, A. W. 29, 30.
Armies to be governed, p. 217, sec. 1342 R. S.
Arrest and confinement, A. W. 65–71.
Conduct prejudicial, A. W. 62.
Courts of inquiry, A. W. 115–121.
Deceased officers and soldiers, A. W. 125–127.
Definitions of words, p. 217, sec. 1342 R. S.
Desertion, A. W. 47–51.
Discharge of enlisted men, A. W. 4.
Discharge or dismissal of officers, A. W. 99.
Disrespect and contempt, A. W. 19, 20.
Divine service, A. W. 52.
Drunkenness on duty, A. W. 38.
Dueling, A. W. 26–28.
Evidence, courts-martial, A. W. 91, 92, 121.
Field officers' courts, A. W. 80, 83.
Frauds and embezzlement, A. W. 60.
Furloughs to enlisted men, A. W. 11.
General courts-martial, A. W. 72, 73, 75, 76, 78.
Hiring of duty, A. W. 36, 37.
Judge-advocates, A. W. 74, 84, 85, 90, 113.
Jurisdiction military courts, A. W. 58, 60, 62–64, 79–83, 102, 103.
Misconduct in time of war, A. W. 41, 42, 44–46, 57, 100.
Musters, A. W. 5, 6, 12–14.
Mutiny and sedition, A. W. 21–24, 43.
Proceedings of courts-martial, A. W. 86–95, 113, 114.
Profanity, A. W. 53.
Property accountability, A. W. 9, 10, 15–17.
Provisions and necessaries, A. W. 18, 56.
Publication to Army, A. W. 128.
Quarrels, frays, and disorders, A. W. 24, 25.
Rank and command, A. W. 122–124.
Recruits and recruiting, 832; A. W. 2, 3.
Regimental and garrison courts, A. W. 81–83.
Articles of War—Continued.
Returns of troops and property, A. W. 7, 8.
Sentences of courts-martial, A. W. 38, 61, 96–98, 100, 101, 104–112.
Sentinals, A. W. 39.
Spies, p. 231, sec. 1343 R. S.
Subordination to civil authority, A. W. 55, 59.
Subscribed to by all officers, A. W. 1.
Artificers:
Appointment, 290, 292.
Extra-duty pay, 186.
Reduction, 290.
Artificial Limbs:
Accounts for transportation for, 1673–1676
Allowance, 1672.
Commutation, 1672.
Issues, 1672.
Transportation, 1673–1676.
Arrest:
Close, 999, A. W. 65.
Conduct of officer in, 999, 1002, 1003.
Duration, A. W. 70, 71.
Extension of, 999.
In quarrels, disorders, etc., A. W. 24.
Limits of, 999.
Medical officers, 1001.
Method of, 999.
Noncommissioned officers, 1005, 1007.
Officers, A. W. 65.
Power to impose, 998, 1000, A. W. 24.
Release from, 1000.
Soldiers, A. W. 66.
When imposed, 1000.
Artillery:
Precedence of, 6.
Artillery Corps:
Armament, care of, 369–399.
Artillery practice, 407–415.
Artillery school, 534–537.
Bands, 273, 275–279.
Care of fortifications, 369–399.
Colors, 241.
Command, 366.
Chief of, duties, 366.
Efficiency reports, 900–905.
Electrician sergeants, 100–110, 537.
Fortifications, 369–399.
Inspections, 400, 401.
Magazines, 395–398.
Muster rolls, 367.
Noncommissioned officers, 368.
Noncommissioned staff, 368.
Position finders, 388, 394.
Practice, artillery, 407, 415.
Range finders, 388–394.
Reports, 367.
Returns, 367.
Veterinarians, 200–204.
Artillery Horses:
Assignment, 1149.
Branding, 1145.
Condemned, 1150.
Forage, 1154–1157, 1162.
Purchases, 1141.
Requirements, 1143.
Use, 1158.
Artillery Memoranda, 412.

Artillery Practice, 407–415.
Ammunition, 413.
Book of, 408.
Reports, 408, 412, 415.
Allowances for, 413, 414.
Book of Artillery Record, 408.
Charts, 410.
Inspector of artillery, 409.
Methods, 411, 412.
Numbering of guns, 407.
Records, 408.
Targets, 414.
Artillery School, 534–536, 537.
Artisans:
Extra duty, 183.
Assault and Battery with Intent, etc.:
Punishable, A. W. 58.
Assignment Cards of Recruits, 949.
Assignment of Pay, 1447.
Assignment to Command, 13.
Assistant Secretary of War:
Honors to, 450!
Salutes to, 468.
Asylum for Insane, 544–549.
Attachés:
Allowances, 41, 1242–1245.
Attorney-General:
Counsel, 1071, 1072.
Auditor for the War Department:
Certificates of merit, 199.
Deceased officers, 96.
Deceased soldiers, 178, 179.
Authority:
Civil, support of, 563–568.
How exercised, 2.
In military service, exercise of, 2.
Awaiting Orders:
Officers entitled to quarters, 1097.
Awaiting Trial:
Soldiers, 1004.
Awaiting Sentence, 1004.
Awards, 620–625.
See *Proposals.*
Ax Handles, 1323.
Badges, 1760.
Baggage:
Allowances, 1222–1225, 1241–1245.
Commissioned officers, 1222–1225, 1241–1245.
Enlisted men, 1224, 1241–1245.
Professional books and papers, 1243–1245.
Transportation of, 1224, 1241–1245.
Bakeries, 335–340, 1108.
Fuel for, 1108.
Bakers:
Extra pay, 183, 306, 337.
Inspection, 339.
Muster, 339.
Bands:
Artillery, 273, 275–279.
Cavalry, 273, 275–279.
Chief musicians, 273–274.
Chief trumpeters, 273.
Composition, 273, 274.
Cooks, 273, 274.
Drum majors, 274.
Engineers, 274–279.
Infantry, 274–279.
Bands—Continued.
Musical instruments, 277.
Musicians, 273–274, 278.
National airs, 279.
Noncommissioned officers, 273–275.
Patriotic airs, 279.
Principal musicians, 273, 274.
Purchases for, 277.
Station, 276.
Uniforms, 1312.
Barrack Chairs, 1086.
Barracks:
Account of expenditures, 1084.
Allotment, 1088, 1089, 1091.
Application for, 1091.
Assignment, 1089, 1091.
Buildings, 1084.
Bunks, 1087.
Care, 108.
Chairs, 1086, 1087.
China, 1087.
Damages, 1080, 1081.
Expenditures, 1084.
Glassware, 1087.
Hiring, 1092, 1093.
Inspection, 1080, 1082, 1083.
Lockers, 1085.
Rented buildings, 1083.
Reports, 1083.
Bathing, 299.
Battalion Commanders:
Assignment, 259.
Command, 254.
Duties, 254, 268.
Staff, 260–262.
Succession to command, 254.
Battalions:
Command, 254.
Composition, 254.
Constitution, 254.
Incomplete, 254.
Noncommissioned staff, 268.
Provisional, 254.
Records, 254.
Reports of battles, 885.
Staff, 260–262.
Station, 254.
Succession to command, 254.
Battalion Staff, 260–262.
Appointment, 260, 261.
Composition, 254.
Rank, 260.
Separate battalions, 261.
Term of office, 261.
Batteries, Field (see *Companies*), 280–316.
Bugles, 1337.
Guidons, 247.
Horses for officers, 1179, 1180.
Returns, 367.
Battle Ground Cemeteries:
Graves, 570, 571.
Headboards, 571.
Interments, 570.
Record, 570.
Register, 570.
Reports, 571.
Battle Reports, 883–889.

Battles:
Names of, on colors, 250.
Bayard:
First general hospital, 1627.
Bedding, 1161, 1162.
Beer:
Sale in exchanges prohibited, 365.
Beeswax:
Issue of, 1404.
Behavior:
Members of courts-martial, A. W. 87.
Marches, A. W. 55.
Quarters, A. W. 55.
Bills of Lading:
Alterations, 1262.
Animals, 1261.
Baggage, 1260.
Contents, 1256–1270.
Damages to property, 1272.
Destruction, 1274–1279.
Duplicates, 1256–1265, 1274–1279.
Erasures, 1262.
Interlineations, 1262.
Issue, 1256–1272.
Loss, 1274–1279.
Original, 1256, 1265, 1274–1279.
Payment on, 1266, 1267, 1273, 1279, 1281–1285
Preparation, 1256–1270.
Rates, 1264.
Transportation by, 1256, 1268–1270.
Blacking:
Shoe, 404.
Blacksmiths:
Appointment, 290, 292.
Extra duty pay, 186.
Reduction, 290.
Tools, 1181.
Blanket Bags, 309.
Blank Forms:
Adjutant-General's Department, 592, 835, 872, 876, 1761.
Directions on, 1761.
Engineer Department, 592, 1761.
How obtained, 592, 1761.
Inspector-General's Department, 592, 1761.
Judge-Advocate-General's Department, 592, 1761.
Medical Department, 592, 1761.
Ordnance Department, 592, 1736, 1761.
Pay Department, 592, 1761.
Quartermaster's Department, 592, 1761.
Signal Department, 592, 1761.
Subsistence Department, 592, 1761.
Blank Receipts, forbidden:
Money, 718.
Property, 752.
Blank Vouchers:
Forbidden, 718.
Boarding Visits, 482.
Board of Ordnance and Fortification, 366.
Boards:
Stationery for, 1140.
Boards in Staff Departments, 524.
Boards of Survey:
Action, 793–797, 807.
Approval, 798–806.
Affidavits, 796.
Bills of lading, 1272.
Boards of Survey—Continued.
Claims, action on, 807.
Composition, 791.
Condemnation, 797.
Constitution, 791, 792, 803.
Convening officer, 791, 792, 803.
Depositions, 795.
Desertion, 127.
Duty, 790, 793–797, 807.
Evidence.
Jurisdiction, 790, 793–797, 807.
Oaths, 795, 796.
Proceedings, 798–806.
Procedure, 793–797.
Property, 750, 751, 760, 793–806.
Deceased officers, 97, 98.
Record, 798–806.
Review, 798–807.
Revision, 800.
Separate proceedings, 804.
Witnesses, 796.
Boilers, 372.
Bond-Aided Roads:
Accounts, 1284, 1285.
Settlements with, 1284, 1285.
Transportation requests over, 1216.
Bonds:
Bidders, 611, 612, 650–651.
Contractors, 638–644, 650–657.
Corporations, 652–657.
Disbursing officers, 650–653.
Execution, 643.
Guaranties, 611, 612.
Labor, 644.
Material men, 644.
Waiver, 638.
When required, 638.
Book of Artillery Record, 408.
Books:
Artillery record, 408.
Company, 294, 295.
Post, 227, 337, 408.
Professional, 1243–1245.
Quartermaster's Department, 1343–1345.
Regimental, 271, 272.
Transportation of—
Chapels, 1255.
Libraries, 1255.
Professional, 1243–1245.
Branches of National Home:
Inspection, 965, 966.
Branding:
Animals, 1145.
Property, 758.
Punishment, A. W. 98.
Bread:
Baking of—
In bakeries, 335.
In companies, 340.
Breakage:
Tableware, 1325.
Brevet Rank:
Salutes, 472.
Bridges:
Transportation over, 1230.
Briefs of Letters, 843.
Brigades Discontinued:
Records, 891.

Brigadier-General:
Baggage allowance, 1241–1245.
Command, 14.
Escorts, 488.
Fuel, 1110.
Funeral honors, 491, 499.
Honors, 449.
Horses, 1182.
Precedence, 10, 11.
Quarters, 1110.
Rank, 9, 12.
Relative rank, 12.
Rooms, 1110.
Salutes, 471.
Stoves, 1110.
Visits, 481.
Brushes:
Blacking, 1404.
Hair, 1404.
Shaving, 1404.
Scrubbing, 1328.
Tooth, 1404.
Bugles, 1327.
Buildings:
Construction and repairs, 222–224, 787.
Damages to, 1080, 1081.
Expenditures, 1084.
Inspection, 1080, 1082, 1083.
Lighting, 1116–1135.
Record book of, 1084.
Repairs, 1080, 1084.
Restriction on expenditures, 224–224, 787, 788.
Bunks, 1087.
Cleanliness of, 300.
Names of occupant attached, 298.
Bureaus:
Purchases from.
Transfers between, 753.
Burglary in Time of War:
Punishable, A. W., 13.
Burials:
Officers, 99.
Enlisted men, 180.
Buttons, 1404.
Cadets:
Appointments of, as officers, 529.
Rank, 9.
Service as, restriction, 529.
Call to Quarters, 443.
Camp and Garrison Equipage:
Estimates, 1287–1297, 1323–1330.
Camps:
Colors, 251.
Followers, A. W. 63.
Inspections of, 967, 974–976.
One mile from, A. W. 34.
Retainers to, A. W. 63.
Candidates:
Examination of, 26–33.
Privileges, 29–31.
Status, 29–31.
Candles, 1350, 1398.
Issues, extra, 1403.
Cannon:
Salutes with, 465–480.
Canteens, 363–365.
See *Post exchanges.*
Canvas Lined Garments, 1313.
Captains, Army:
Baggage, allowance, 1241–1245.
Command of, 14.
Forage, 1154–1160.
Fuel, 1110.
Horses, 1182.
Precedence, 10, 11.
Quarters, 1110.
Rank, 9, 10, 11.
Relative rank, 12.
Captain, Navy:
Relative rank, 12.
Captured property, 889, A. W. 9.
Returns of, 889.
Cartridges:
Allowance for small arms practice, 418, 419
Casting Away Arms, etc., A. W. 42.
Casualties:
Reports of, 887, 888.
Casualty Lists, 887, 888.
Cavalry:
Precedence, 6.
Cavalry and Light Artillery School, 540, 541.
Cavalry Horses, 1141, 1142, 1149.
Assignment, 1149.
Branding, 1145.
Condemned, 1150.
Forage, 1154–1157, 1162.
Purchases, 1141.
Requirements, 1142.
Use, 1158.
Cavalry Regiments, 253–270.
Bands, 273, 275–279.
Camp colors, 251.
Duties by roster, 434, 435.
Guidons, 246.
Standards, 243.
Veterinarians, 200–204.
Cemeteries:
Battle Ground, 570, 571.
National, 569.
Park, 572–577.
Ceremonies:
Conformity to drill regulations, 570.
Escort to color, 515.
Flag, 512.
Inspections, 514.
Memorial Day, 516.
Musters, 513, 514.
National holidays, 517.
Parades, 511.
Precedence of corps, regiments, etc., 6.
Certificates:
False, A. W. 13.
Certificates of Deposit:
Appropriation, 695.
Deposits, 690–695.
Duplicate, 691.
Originals, 691, 695.
Pay Department, 693.
Record, 695.
Certificates of Disability, 171–174.
By whom given, 171.
Contents, 171, 174.
Not permanent, 172.
Pension, 174.
Permanent, 171, 174.

Certificates of Discharge, 151–170.
(See *Discharges.*)
Certificates of Fact:
Responsibility for, 736.
Certificates of Merit, 196–199.
Award of, 196, 197.
Extra pay, 198, 199, 1546.
Recommendations, 196, 197.
Chairs:
Barrack, 1086, 1087.
Challenges:
Members of courts, A. W. 88.
To duels, A. W. 26–28.
Changes of Station:
Allowance of baggage, 1224, 1241–1245.
Civilian employees, 820.
Commutation of quarters, 1493, 1494.
Staff officers, 822, 823.
Travel allowances, 1472–1478, 1483–1485.
Travel with troops, 1474.
Channels of Communication, 848–854.
Chapels, 341.
Fuel, 351, 1110.
Lights, 1118, 1129.
Services, 50.
Transportation for, 1255.
Chaplains:
Assignments, 48.
Duties, 50, 51.
Inspections, 51, 975.
Occasions of ceremony, 51.
Quarters, 1095.
Rank, 9, 12.
Reviews, 51.
Transfers, 49.
Character:
Civilian, candidate for appointment, 33, 34.
Enlisted men, candidates for appointment, 27, 28.
Charges and Specifications, 1027–1031.
Disposition, 1028–1031.
Forwarding, 1029.
Inferior courts, 1031.
Investigation, 1029.
Statements of service, 1028.
Summary court, 1031.
Chargés d'Affaires:
Honors to, 469.
Salutes to, 469.
Charges of Desertion:
Effects, 1556–1558.
Charts, 393.
Check:
Payments of enlisted men by, 1502–1527.
Checks:
Amounts, entry of, 679.
Check books, 687–689.
Contents, 678, 679.
Duplicate, 681.
Favor of self, 681.
Forms, 678, 679.
Limit on amount of, 681.
Mutilated, 689.
Order, 678.
Outstanding, 682–686.
Payments by, 678–681.
Check Books:
Assistant treasurer, 687.
Issue, 687.
Mutilated, 689.
Official, 688.
National-bank depository, 688.
Transfers, 687, 688.
Treasurer, 687.
Chief Clerk, War Department:
Advertising, 578–587.
Chief Justice of the United States:
Honors to, 450.
Salutes to, 468.
Chief Magistrate, Foreign:
Honors to, 449.
Salutes to, 467, 470.
Chief Magistrate of State:
Disrespectful words to, W. A. 19.
Chief Musician, 273, 274.
Allowances, 1110.
Appointments, 275.
Rank, 9.
Chief of Artillery:
Appointments, 366.
Assignments, recommendations for, 366.
Board of Ordnance and Fortification, 366.
Chief of Ordnance, conferences with, 366.
Clerical service, 366.
Command, 366.
Inspections, 366, 400, 401.
Instruction, 366.
Recommendations, 366.
Records, 366.
Sites for forts, 366.
Supervision, artillery corps, 366.
Transfers, 366.
Chief of Engineers:
Command, 1678, 1679.
Duties, 1677–1699, 1692.
Chief of Ordnance:
Certificates of merit, 196.
Clothing and equipage, 1294.
Conferences with Chief of Artillery, 366.
Courts-martial, A. W. 81.
Duties, 1697.
General duties, 1694.
Ordnance depots, 1697–1700.
Chief Ordnance Officers of Departments:
Requisitions for ordnance supplies, 1701.
Chief Paymasters of Departments:
Detail, 214.
General duties and responsibilities, 214, 1443
Payment to enlisted men, 1502.
Travel allowances, 1426.
Chief Quartermasters of Departments:
Candles for offices and storerooms, 1403.
Clothing and equipage, 1289, 1290.
Detail of, and duties, 214.
Estimates for funds, 1074.
Fuel and stoves, office, 1110.
Outstanding debts, 1348.
Chief Signal Officer:
Army and Navy signal codes, 1747.
Certificates of merit, 196.
Courts-martial, A. W. 81.
General duties, 1741, 1746.

Chief Signal Officer—Continued.
Instruction and practice in signaling, 1747.
Signal Corps sergeants, 1742.
Signaling operations in the field, 1743.
Signal supplies, 1750, 1751.
Chiefs of Bureaus:
Blank forms, 1761.
Boards of officers, 824.
Boards of survey proceedings, 802, 803.
Changes of station and travel duties, 822.
Condemned property, 983.
Contingent, departments, 215.
Correspondence with disbursing officer, 852.
Secretary of War, 852.
Efficiency reports, 905.
Examination of money accounts, 737, 738.
Fiscal affairs, 205.
Inspection reports, 976.
Leaves of absence, 58.
Official correspondence, 852.
Property returns, 783, 784.
Public moneys, 659.
Remittances to officers, 700.
Stoppages of officers' pay, 1491–1500.
Chief Surgeons of Departments:
Casualty returns, 887, 888.
Detail of, and duties, 214.
Hospital Corps, 1595.
Inspections, 1671.
Chief Trumpeter, 273.
Appointment, 273.
Rank, 9.
Children's Schools, 360, 361.
Chimneys, 1116–1128, 1135.
China, 1086, 1087.
Citizenship:
Civilian candidate, 33.
Enlisted man, candidate for promotion, 27.
Recruit, 921.
Civil Appointments, 26, 33–35.
Civil Authority:
Support of, 563–568.
Civil Counsel, 1071, 1072.
Civil Courts:
Enlisted men as witnesses, 84.
Officers as witnesses, 84.
Transcripts from records, 161.
Transportation for witnesses, 84.
Civil Rights:
Enforcement of, 564.
Civilian Employees:
Appointment of clerks and messengers, 809.
Arming, 1710.
Changes of station, 820.
Certificates on discharge, 811.
Civil Service, 808.
Clerks, 809–811.
Computation of time, 733.
Department commander, supervision, 810.
Designation on rolls, 811.
Discharge, 811.
Eight-hour rule, 812.
Emergency, labor in, 812.
Employment, 808.
Expenditures for, 810.
Hours of labor, 812.
Hospital treatment, 1638, 1639.
Inspectors, 811.
Civilian Employees—Continued.
Mechanics, 808.
Medical attendance, 1653.
Messengers, 809.
Packers, 811.
Rations, 1378, 1398.
Selection, 808, 809.
Storekeepers, 811.
Subsistence, 815, 817, 1378.
Teamsters, 808, 811.
Travel expenses, 813–820.
Watchmen, 811.
Civilians:
Admissions to hospital, 1640.
Appointment of, 33–35.
Eligibility of, 33–35.
Civilian Witnesses, 1023, 1024, 1066–1070.
Civil Office:
Acceptance of, effects, 92.
Civil Service Rules, 808.
Claims:
False, A. W. 60.
Private property lost, 807.
Clerks:
Courts-martial, 1062, 1064.
Extra-duty pay, 183.
Clerks and Messengers, 809.
Closed Sessions, 1022.
Clothing:
Accounts, 1001–1312, 1603.
Allowances, 1286, 1301–1312.
Altering, 293.
Arctic overshoes, 1310.
Artillery Corps, 367.
Bands, 1312.
Books, 367, 1301–1309.
Burial of enlisted men, 1320.
Canvas-lined garments, 1313.
Changes of station, 1291.
Companies, estimates, 1287, 1300.
Companies, issues to, 1300–1315
Deceased soldiers, 1320.
Deserters, 141, 1306, 1307, 1309.
Detachments, 1287, 1300–1315.
Equipage, 1286, 1287, 1323–1330.
Engineer battalions, 1294, 1300.
Estimates, 1287–1297.
Fur garments, 1314, 1315.
Gauntlets, fur, 1313, 1314.
Gratuitous issues, 1319, 1636.
Issues, 1295, 1300–1309, 1319.
Leggings, 1311.
Mittens, 1313.
Ordnance, enlisted men, 1300.
Price lists, 1286.
Prisoners, 1014, 1317, 1318.
Recruiting service, 1293.
Retired enlisted men, 109.
Revision of estimates, 1288, 1290.
Signal Corps, 1294, 1300.
Special requisitions, 1292.
Tables, annual, 1286.
Unmade garments, 1298, 1299.
Coal:
Issue, 1172, 1174–1177.
Codes:
Signal and telegraphic, 1741–1749.

Collections:
Credit sales, 1435–1437.
Deposit of, 693.
Collect Messages, 1341.
College Details, 43–47.
Applications for, 43.
Efficiency reports, 902.
Inspections, 970.
Instructions to officers in, 47.
Issues of ordnance, etc., to, 47.
Restrictions on, 44, 46.
Retired officers, 45.
Colleges (see *College Details*), 43–47.
Details to, 43–47.
Inspections.
Issues of stores to, 47.
Colonel:
Baggage allowance, 1241–1245.
Command, 14.
Forage, 1154–1160.
Fuel, 1110.
Horses, 1182.
Precedence, 10, 11.
Quarters, 1110.
Rank, 9, 12.
Rooms, 1110.
Stoves, 1110.
Colored Inks:
Prohibited, 892.
Colors:
Artillery Corps, 241.
Camp, 251.
Cavalry regiment, 243.
Engineers, 239, 240.
Infantry regiments, 242.
President, 234.
Secretary of War, 236.
Use, 245.
Command:
Artillery Corps, 366.
Appropriate to grades, 14.
Assignments to, 13, 17, 19, 207.
Commanding general, 205.
Exercise of, 13, 14, A. W. 24, 122.
Second in, duty on death of officer, A. W. 125.
Staff, 17–19.
Succession to, 13, 16, A. W. 122.
Suspension from, A. W. 101.
Commander, Navy:
Relative rank, 12.
Commanding-General:
Aids, 40.
Command, 205.
Duties, 205.
Furloughs, 117.
Leaves of absence, 56, 73.
Orders issued through, 206.
Commanding Officer:
Ammunition in Indian country, 1406.
Arms, 554.
Courtesies, 481–487.
Determines dress for day, etc., 1757.
Disrespect to, A. W. 20.
Escorts, 488.
Estimates, 828, 829, 832.
Forage, care of, 1171–1177.
Fuel, care of, 1171–1177.
Commanding Officer—Continued.
Funerals, 490–495, 497–500, 502–504, 509.
Liquor on Indian reservations, 550.
Marches, order on, A. W. 54.
Mourning, 505–508.
Orders of, for payments, 735.
Property responsibility, 740.
Care and verification, 1171–1177.
Returns, 828.
Requisitions, 828, 832.
Supervision of public property, 729–784.
Surrender of offenders, A. W. 59.
Uniforms, 1757.
Vessels of war, 482–487.
Victuals, impositions on, persons bringing, A. W. 18.
Visits, 481–487.
Commands Appropriate to Grades, 14.
Assignments to, 13.
Discontinued, records of, 891, 1752–1755.
Higher grade, pay of, 1448.
Succession to, 15, 16.
Commissary, Acting:
Pay, 1453.
Commissary Sergeants:
Post, 9, 100–109, 111, 1356.
Regimental, 9, 268.
Commission:
Date of, 9.
Preparation and issue, 833.
Commissioned Officers:
Accountability—
For money, 658–738.
For property, 739, 740, 1163–1169.
Actual expenses for sea travel, 1473.
Aids, 40.
Allowances—
Baggage, 1222–1225, 1241–1245.
Forage, 1154, 1158–1160.
Fuel, 1101, 1102, 1104–1107.
Horses, transportation, 1182.
Quarters, 1088–1100, 1110.
Rooms, 1110.
Stationery, 1136–1140.
Transportation, 1232–1245.
Arrest, 998–1003.
Arrival in Washington, report, 895.
Assignment of quarters, 1089.
Attachés, 41, 42, 1242–1244.
Badges of societies, 1760.
Baggage, 1222–1225, 1241–1245.
Bonds, 650–657.
Certificates, A. W. 12.
Chaplains, 48–52.
Civil office, restriction on, 92.
Claims for property lost, 807.
College details, 43–47.
Commutation of quarters, 1489–1496.
Conduct unbecoming an officer and gentleman, A. W. 61.
Courtesies, 481–487.
Cowardice, A. W. 100.
Credit sales, 1427, 1431, 1435–1437.
Death of, 93, 95, A. W. 125.
Deceased, 93–99.
Details for duty, 427–432.
Details to staff, 36–42.

Commissioned Officers—Continued.
Disciplinary punishments, 1027.
Dismissal, 1456, 1460, A. W. 99, 100.
Disobedience of orders, A. W. 21.
Duties performed by roster, 425–432.
Disrespect to—
Commanding officer, A. W. 20.
Congress, A. W. 19.
President, A. W. 19.
Divine service, A. W. 52.
Drunk on duty, A. W. 38.
Duelling, A. W. 26–28.
Effects of deceased, A. W. 125.
Effects of deceased soldiers, A. W. 127.
Efficiency reports, 900–905.
Escorts of honor, 488.
Exchanges, 52, 53.
Extra pay, 1448–1454.
False alarms, A. W. 41.
False certificates, A. W. 13.
False musters, A. W. 14.
Forage allowance, 1154, 1158–1160.
Foreign service, 1449.
Fraud, publication of sentence, A. W. 100.
Fuel, purchases, 1101, 1102, 1104–1107.
Funeral honors, 484–509.
Honors, 449–479.
Horses, 1178–1182.
Illuminating supplies, 1116–1135.
Individual service reports, 899.
Leaves of absence, 54–71, 1464–1471.
Lying out of quarters, A. W. 31.
Marches, order on, A. W. 54.
Medals of honor, 195.
Medical attendance, 1653–1655.
Memorandum receipts, 1166–1169.
Misbehavior before enemy, A. W. 42.
Mounted pay, 1450–1452.
Musters, A. W. 12.
Parade, failing to appear, A. W. 33.
Parlor cars, 1232–1240.
Passports to, 67.
Pay, 1445–1500.
Pecuniary responsibility, 735, 736.
Permission to hunt, 68, 69.
Personal reports, 68, 69, 74–76, 108, 112, 148, 895–898, 958, 1593, 1743.
Profane oaths, A. W. 53.
Professional books, transportation, 1243–1245.
Purchases, 593–657.
Forage, 1159.
Fuel, 1101–1109.
Subsistence, 1426–1439.
Ordnance, 1704–1706.
Quitting guard, etc., A. W. 40.
Quitting post on tender of resignation, A. W. 49.
Rank, 7–12.
Recruiting details, 913, 914.
Redress of wrongs, A. W. 29.
Relative rank, 12.
Resignations, 59–92.
Responsibility for—
Payments, 735.
Property, 739–807, 1163–1169.
Retired officers, 88.
Retirement, 85–88.
Reviews, 479.
Rosters, 423–432.

Commissioned Officers—Continued.
Salutes by, 451, 453–455, 464.
Salutes to, 449, 450, 453–463.
Sales of—
Clothing to, 1321, 1322.
Fuel, 1101–1110.
Subsistence, 1426, 1427, 1429–1431, 1435 1437.
Sea travel, 1473.
Selection of quarters, 1090.
Sick leaves, 72–76.
Sleeping cars, 1232–1240.
Stationery, 1136–1140.
Stationery allowance, 1136–1138.
Subscribe Articles of War, A. W. 1.
Summary court, 1031–1036.
Suspension, A. W. 101.
Transfers, 52–53.
Travel allowances, 1472–1488.
Travel on duty, 75–84.
Travel orders, 78–84.
Tried by general courts, A. W. 79.
Uniform, 1756–1759.
Visits, 481–487.
Waterproof coats, 1758.
Witnesses before civil courts, 84, 1023–1025.
Committees of Congress:
Honors to, 468.
Salutes to, 468.
Travel allowances before, 1488.
Commodore:
Relative rank, 12, note.
Communication:
Chhannels of, 848–854.
Communications:
See *Correspondence*, 837–855.
Companies:
Amusement rooms, 1119.
Artificers, 290, 292.
Blacksmiths, 290, 292.
Books, 294.
Captains, detachment of, 280.
Clothing issues, 1301–1309.
Cooking, 310, 316.
Cooks, 290–292.
Councils, 317–323.
Farriers, 290, 292.
Field musicians, 290, 292.
Funds, 317–323, 331–334, 1255.
Lieutenants, 284.
Lights, 1116–1135.
Mechanics, 290, 292.
Mess call, 444.
Messing, 310–316.
Morning reports, 448.
Noncommissioned officers, 285–291.
Payments to, 1502–1527.
Police call, 447.
Records, 294, 295.
Roll calls, 443–447.
Saddlers, 290, 292.
Savings, 1407–1409.
Tailors, 293.
Trumpeters, 290, 292.
Wagoners, 290, 292.
Company Clothing Books, 1301–1309.
Company Commanders:
Allotments, 1531–1544.
Deceased soldiers, 175–180.

Company Commanders—Continued.
Discharges, 151–174.
Deposits, 1547–1555.
Descriptive lists, 115, 126, 1632.
Disciplinary punishments, 1027.
Duties, 280–316.
Final statements, 152–170, 1548, 1549, 1559–1566.
Funds, 317–323, 331–334.
Lieutenants, 284.
Noncommissioned officers, 285–291
Payments by, 1502–1507.
Public property, 304.
Responsibility for property, 743–746.
Succession in command, 281–283.
Text-books, 305.
Company Funds:
Council, 317–323.
Custodian, 318, 331–334.
Deposits, 318.
Expenditures, 331–334.
Purchases, 324, 325, 350.
Restrictions on use, 324, 325.
Commutation:
Artificial limbs, 1672.
Commutation of Quarters:
Absence from station, 1492.
Allowance, 1110, 1489.
Awaiting orders, 1495.
Changes of station, 1493, 1494.
During leave of absence, 1491.
Duty with troops, 1490.
Orders, 1496.
Payment, 1496.
Temporary absence, 1492.
Commutation of Rations:
Advance, 1418.
Allowance, 1410, 1411, 1413–1415, 1417–1424.
Civilians, employees, 817.
Claims for, 1424.
Discharge, 1421.
Funds for payment of, 1425.
Furlough, 1419, 1420, 1422–1425.
Orders for, 1416, 1418.
Payment, 1418, 1422–1425.
Rates, 1410, 1411, 1413, 1414.
Restrictions on, 1410–1415, 1417, 1420, 1421.
Retired enlisted men, 149.
Subsistence in kind, 1412, 1414, 1415, 1417, 1420, 1421.
Transports, 1417, 1420, 1421.
Compelling Surrender, A.W. 43.
Competitive Examinations:
Civilians, 33–35.
Enlisted men, 27–33.
Veterinarians, 200.
Compliments (see *Honors, etc.*), 481–487.
Components of Ration, 1380.
Computation of Time, 733.
Condemned Animals, 1150.
Condemnation:
Inspections of property for, 979–990.
Conduct Prejudicial to Good Order, etc., A.W. 62.
Conduct Unbecoming an Officer, etc.:
Dismissal, A.W. 61.
Confinement:
Abatement of term, 1016.
Arrest of noncommissioned officer, 1005, 1007.
Confinement—Continued.
Awaiting result of trial, 1004.
Awaiting trial, 1004.
Character, 1010.
Commutation, 1017.
Designation of posts for, 1011.
Duration, A.W. 70.
Enlisted men, 1004–1010, A.W. 66.
Escapes, 1010, 1014.
Extent of restriction, 1010.
General prisoners, 1011–1017.
Irons, 1010.
Mitigation, 1017.
Order for, 1007.
Pardons, 1017.
Penitentiary, 1042, 1043, A.W. 97.
Place of, 1011.
Release from, 1009.
Reports of, 1005.
Congress:
Disrespectful words to, A. W. 19.
Congress, Committees of:
Honors to, 468.
Salutes to, 468.
Consuls-General:
Honors to, 469.
Salutes to, 469.
Conspiracy to Defraud, etc., A. W. 60.
Construction of Posts:
Restriction on, 787.
Contagious Diseases:
Destruction of clothing, 1635.
Gratuitous issues, 1636.
Contempt of Court, A. W. 86.
Contingencies of Army:
Disbursement, 703.
Contingent Expenses:
Accounting, 215.
Allotment, 215.
Expenditures, 215.
Purchases, 215.
Returns of property, 215.
Vouchers, 215.
Continuances, A. W. 93.
Continuous-Service Pay, 1528–1530.
Contractors:
Bonds, 638–644, 652–657.
Contracts:
Approval, 634.
Corporations, 632.
Disposition, 633–637.
Foreign countries, 631.
Forms, 625–636.
Laborers, 644.
Material men, 644.
Number, 633.
Papers relating to, 637.
Partnership, 630.
Philippine Islands, 631.
Printing, 588, 591.
Returns office, 635.
Contract Surgeons:
Allowances, 1574.
Appointments, 1574.
Contracts, 1574, 1576.
Dental surgeons, 1574, 1578–1589.
Details, 1577.

Contract Surgeons—Continued.
Duties, 1577.
Payments to, 1459.
Privileges, 1575.
Convalescents:
Diet for, 1391–1397.
Convening Authority, A. W. 72, 73, 81, 82.
Convention, Geneva:
Flag, 238.
Converter Boards, 370.
Convictions:
Previous, 1030, 1031–1038.
Cooking Stoves:
Allowances, 1110–1114.
Cooks:
Appointment, 290, 292.
Duties, 310–316.
Reduction, 290.
Copies of Court-Martial Records, 993.
Corn Brooms, 1328, 1329, 1372.
Corporals, 9, 285–291.
Corporations:
Bonds of, 640–643.
Contracts of, 632.
Corps:
Commander, leaves of absence, 56, 73.
Discontinued, records, 891.
Precedence of, 6.
Correspondence:
Actual rank of addressee, 842.
Address, 840, 848, 854.
Brief, 843.
Channels of communication 848–854.
Chiefs of bureaus, 848, 852.
Communications for—
Adjutant-General, 847, 850, 854.
Secretary of War, 847, 854.
Contents, 837, 838.
Direct, 832.
Folding, 839.
Heading, 841.
Heads of departments, 848, 852.
Inclosures, 845.
Indorsements, 844.
Letters, 837–846, 854, 855.
Private, 846.
Signature, 841.
Station of writer, 840.
Tone, 854, 855.
Transmittal, 837.
Trivial, 854.
Unimportant, 854.
With enemy, A. W. 46.
Councils of Administration:
Approval, 321, 322.
Composition, 319.
Constitution, 319.
Duties, 176, 177, 319–323.
Expenditures, 317–322.
Jurisdiction, 317, 319–323.
Proceedings, 320.
Records, 320.
Review, 322, 323.
Counsel, 1037.
Civil, 1071, 1072.
Courtesies:
Salutes, 449–464.
With cannon, 465–480.
Visits, 481–487.
Courtesy among Military Men, 4.
Courts-martial:
Appointment, 1018–1020.
Arraignment, A. W. 89.
Arrest and confinement, 998–1010.
Challenges, A. W. 88.
Charges and specifications, 1027–1036.
Closed sessions, 1022.
Conduct of members, 1021.
Contempt, A. W. 86.
Continuances, A. W. 93.
Convening authority, A. W. 72, 73, 81, 82.
Convening order, 1018.
Counsel, 1037, A. W. 90.
Evidence, A. W. 121.
Interpreters, 1065.
Judge-Advocates, 1022–1026, 1055–1063.
Members, A. W. 75–79, 87, 88.
Membership, 1018–1021.
Oaths, A. W. 84, 85.
Order, 1018.
Pleas, A. W. 89.
Power to punish members, 1021.
President, 1020.
Process of attachment, 1026.
Prosecution, A. W. 90.
Record, A. W. 113.
Reporters, 1062–1064.
Rank of members, 1018.
Sentences, 1039–1061.
Sessions, 1019.
Stationery for, 1140.
Summary courts, 1031–1036.
Trials, 1037, 1038.
Witnesses, 1023–1026, 1066–1070, A. W. 92.
Writs of attachment, 1026.
Courts of Inquiry:
Authentication of record, A. W. 120.
Composition, A. W. 116.
Constitution, A. W. 115.
Evidence, A. W. 121.
Oath, A. W. 117.
Proceedings, A. W. 120.
Recorder, A. W. 118.
Stationery, 1140.
Witnesses, A. W. 118.
Cowardice:
Publication of sentence, A. W. 100.
Credit:
Payments by order of superior, 737.
Expenditures of property, 777, 778.
Credit Sales:
Subsistence, 1427, 1431, 1435–1437.
Crimes not Capital:
Jurisdiction over, A. W. 62.
Crockery:
Issue and allowance, 1324, 1325.
Currency:
Payments of enlisted men by, 1502–1527.
Customs Officers:
Assistance to, 564.
Daily Service:
Call to quarters, 443.
Hours for—
Meals, 444.
Reports, 443–445.
Mess call, 444.
Morning reports, 448.

Daily Service—Continued.
Police call, 447.
Retreat, 443, 445.
Reveille, 443.
Roll calls, 443–446.
Damage to Property, 763–769, 783, 784, 1169
Death Sentences, A. W. 96.
Approval, A. W. 105.
Deaths:
Commissioned officers, A. W. 125.
Communicated to relatives, 894.
Enlisted men, A. W. 126.
On transports, 95, 1200.
Reports of, 93, 95, 1200.
Debts Outstanding, 712.
Deceased Officers, 93–99, A. W. 125.
Burial of, 99.
Effects of, 94, 96, A. W. 125.
Funds in possession of, 97, 98.
Funeral expenses, 99.
Inventories of effects, 94, 96, A. W. 125.
On transports, 95.
Public money, 98.
Public property, 97, 98.
Remains, disposition, 99.
Reports, 93.
Deductions of Pay, 1545.
Deeds, 786.
Deficiency in Property, 783, 784, 1169.
Degrees of Rank, 9.
Delays, 79.
See *Leaves.*
Deliberations:
Conveying praise or censure, 5.
Dental Surgeons:
Allowances, 1574.
Appointments, 1574, 1578, 1579.
Assignments, 1580, 1581.
Assistants, 1581.
Certain employees, 1582.
Daybook, 1587.
Duties, 1581–1589.
Emergency work, 1586.
Enlisted men, work for, 1583, 1587, 1588.
Examinations, 1578.
Families, 1583.
Future appointments, 1588.
Hours of work, 1584.
Instruments, 1582.
Materials, 1586.
Office hours, 1584.
Officers, work for, 1583.
Operations, 1585.
Pay, 1459.
Reports, 1589.
Restrictions, 1583.
Department Commanders:
Absence, 213.
Aids, 40, 214.
Allotments of transportation, 1184.
Artillery corps, command, 207, 208, 366.
Assignment of quarters, 1094.
Awards, submission to, 620.
Civilian employees, supervision, 810.
Command, 207, 208, 366.
Communications, copies of, 825.
Contingent expenses, 215.
Department Commanders—Continued.
Control of staff officers, 826.
Control of staff, 326.
Convening authority, A. W. 72.
Death, 213.
Decision of controversies, 212.
Disability, 213.
Disabled officers, reports of, 85.
Duties, 207–213, 224, 228, 229, 256, 257, 354, 400, 401
Estimates, supervision, 826, 830, 831, 1290.
Exceptions from command, 208, 209.
Extra duty men, 182, 184, 190.
Fortifications—
Command, 366.
Inspections, 400, 401.
Visits to, 402–406.
Hours of illumination at posts, 1123.
Indian scouts, 556–562.
Inspections, 211, 400, 401.
Leaves of absence, 56, 73.
Monthly returns, 576.
Mounted pay, 1450–1452.
Pardon, 1017.
Post gardens, 354.
Printing, 588–592.
Reports, 211, 213, 827.
Reservations, 229.
Signal instruction, 1747.
Staff, 214.
Succession in command, 213.
Telegraphic code, 1332.
Visits to fortifications, 402–406.
Departmental Recruiting, 954.
Departments, 207–215.
See *Territorial Departments.*
Deposit:
Certificates of, 690–695.
Deposits of pay:
Books, 1547–1550.
Company commander, 1547–1549.
Death of depositor, 1553.
Discharge, 1548, 1551.
Final statements, 1548–1550.
Forfeitures, 1554.
Interest on, 1552.
Loss of book, 1550.
Method, 1547.
Payment, 1548–1553.
Purchase of discharge, 1555.
Rate of interest, 1552.
Deceased Soldiers:
Accounts of, 179.
Action in case of, A. W. 175, 126.
Auditor for War Department, 178, 179.
Burial, 180.
Certificates of merit, 199.
Council of administration, 176, 177.
Disposition of effects, A. W. 175–179, 126.
Remains, 180.
Effects, A. W. 175–179, 126.
Expenses of interment, 180.
Heirship, 179.
Legal representatives, 176, 178, 179.
Remains, 180.
Reports, 95, 1200.
Depositions, A. W. 91.
Boards of survey, 795, 796.

Depots:
Command, 971.
Estimates, 831.
Exempt from control of department commanders, 208.
Inspections, 968, 971, 974–976.
Ordnance, 1690–1700.
Descriptions of Tests, 1738–1740.
Descriptive Books:
Artillery corps, 367.
Company, 294.
Public animals, 1146–1148.
Descriptive Cards of Recruits, 949.
Descriptive Lists, 115.
Artillery corps, 367.
Contents, 115.
Enlisted men in hospital, 1632.
In desertion, 130, 133.
Public animals, 1146, 1148.
Retired enlisted men, 147, 150.
Vaccination, 115.
Desert:
Advising to, A. W. 51.
Persuading to, A. W. 51.
Deserters:
Apprehension, 133,136.
Boards of survey, 127.
Charges against, 127, 135–138.
Clothing of, 141.
Descriptive lists, 130, 133.
Disposition, 128, 129, 131, 132, 140.
Effects, 141.
Examination, 128, 131, 132.
From Marine Corps, 145.
From Navy, 145.
Expenses of apprehension, 136, 137.
Forfeitures, 135–138, 142–144.
Limitation on prosecution, A. W. 103.
Pay, 1556–1558.
Received at—
Posts, 129, 131, 134.
Recruiting stations, 128.
Release, 131.
Reports of, 130, 134, 145.
Restoration to duty, 143.
Rewards, 135, 137, 138, 143.
Time lost, 142.
Trial of, 140.
Desertion, A. W. 47.
Statutory consequences, A. W. 48.
Desks:
Allowance for, 1137.
Destitute Persons:
Issues to, 1405.
Destruction of Records, 893.
Detached Soldiers, 114.
Descriptive lists, 114.
Detachments, 438–442.
Formation, 438–442.
Reports, 442.
Details:
Colleges, 43–47.
Extra duty, 182, 183.
Recruiting, 913, 914.
Staff, 36–42.
Details to the Staff, 36–42.
Considerations affecting, 37, 38.
Details to the Staff—Continued.
Equalization, 37.
Restrictions on, 39.
Term, 39, 261.
Diet for Sick and Convalescents, 1391–1397.
Disability:
Certificates of, 171–174.
Disbursing Officers:
Accounts current, advertising, 578–587.
Appropriation, 699–707.
Betting at cards, 672.
Bonds, 650–657.
Channels of communication, 826.
Check books, 678–689.
Checks, 678–686.
Certificates of deposit, 690–695.
Deposits, 659–667, 673, 674.
Error in certificate, 736.
Gambling, 672.
Insurance of money forbidden, 675.
Interest in purchases, 669, 670.
Fiscal year, 699–707.
Inspections, 971, 977, 978.
Money accountability, 658–738.
Offenses in disbursement, 669–672.
Order of superior, 735.
Outstanding debts, 712.
Personal permission, 665, 666.
Proceeds of sales, 696–698.
Property accountability, 739–807.
Purchases, 593–657.
Revision of estimates, 829–831.
Sharing in profits, 671.
Transfers, 676, 677.
Vouchers, 713–734.
Disbursements:
Commutation of rations, 1410–1425.
Inspection of, 971, 977, 978.
Discharge by Purchase, 156, 158.
Discharge Certificates:
Age to be entered, 165.
Cause, 153, 162, 165.
Contents, 153, 162, 165, 166.
Character, 165.
Date, 154, 163.
Deserters' release, 131.
Discharge without honor, 167.
Dishonorable, 167, 168.
Forms, 167.
Honorable, 151, 162, 167.
Previous service, 164.
Purchase, 156.
Signature of soldier, 166.
Statement of character, 165.
Veterans, 157.
When operative, 154, 163.
Without honor, 167.
Discharged Enlisted Men:
Admission to hospitals, 1663, 1664.
Allowances for travel, 1562, 1563.
Certificates of disability, 1565.
Final statements, 1559–1561, 1564–1566.
Fraudulent enlistment, 1564.
Minority, 1560.
Sea travel, 1562.
Travel allowances, 1562–1565.

Discharge of Enlisted Men:
Absent enlisted men, 165.
Admission to hospital, 1634, 1663.
Age, 162.
Applications for, 151.
Authority for, 151.
By favor, 151.
By whom made, 151, 171–174.
Cause, 153, 162, 165.
Character, 162.
Certificate of disability, 171–174.
Certificate of, 151, 153–155.
Date, 154, 163.
Disability, 171–174.
Dishonorable, 167–169.
Duplicate certificates, 155.
Forms of, 167.
Honorable, 167.
Payments to, 166.
Purchase of, 156.
Transportation, 170.
Travel allowances, 158, 159, 170.
Travel on transports, 1417, 1421.
Veterans, 157.
When operative, 154, 163.
Without honor, 167.
Discharges, 151–174.
Granted by whom, A. W. 4.
Payments on, 1559–1566.
Discharge Without Honor, 161, 167, 169.
Disciplinary Punishments, 1027.
Discipline:
Admonitions, 1027.
Fatigue, extra tours, 1027.
Punishments, 1027.
Withholding of privileges, 1027.
Discontinued Commands:
Records, 891, 1752–1755.
Discussions Conveying Praise or Censure, 5.
Dishonorable Discharge, 161, 167.
Disinfectants:
Issue of, 1668.
Dismissal, A. W. 99, 100.
Approval of sentences, A. W. 106.
For cowardice or fraud, A. W. 100.
Pay on, 1456, 1460.
Sentences, A. W. 99, A. W. 106.
Dismounted Cavalry:
Details from, 434.
Precedence, 6.
Disobedience of Orders, A. W. 21.
Disorders:
Quelling of, A. W. 24.
Disposition of Effects:
Deceased commissioned officers, —.
Deceased enlisted men, —.
Escaped prisoners, 1014.
Disqualification for Enlistment, 923.
Distances:
Computation, 1472, 1475.
Tables of, 1472, 1475.
Divine Service, 52.
Division Commander:
Convening authority, A. W. 73.
Furloughs, 117.
Leaves of absence, 56, 73.
Division of Military Information, 42.
Divisions:
Discontinued, records of, 891.
Draft Animals, 1141–1150.
See *Public Animals.*
Dress, 1756, 1757.
See *Uniform.*
Dress for Day:
prescribed by commanding officer, 1757.
Drill Regulations:
Ceremonies to conform to, 570.
Drum Major, 273.
Appointment, 275.
Rank, 9.
Drunk on Duty, A. W. 38.
Due Bills:
Forbidden, 782.
Duels, A. W. 26–28.
Duplicate Bills of Lading, 1256, 1265, 1274–1279.
Duplicate Checks, 681.
Duties:
Classification, 425, 426.
Details, 426–437.
Rosters, 423–432.
Duty:
Extra, 181–190.
Hiring, A. W. 36, 37.
On Sunday, 220.
Special, 182.
With troops, 1490.
Effective Strength:
Returns of, 884.
Effects of Deceased Officers, A. W. 94, 96, 125.
Effects of Deceased Soldiers, A. W. 126, 127, 175–179.
Effects of Deserters, 141.
Effects of Prisoners, 1014.
Efficiency Reports:
Artillery, 901.
Contents, 904, 905.
By whom made, 900–902.
Of whom made, 900, 901–905.
Preparation, 904.
Purpose, 904, 905.
Staff officers, 900–905.
To whom made, 905.
Eight-Hour Law:
Civilian employees, 812.
Extra-duty men, 8.
Ejection of Trespassers:
Indian reservations, 564.
Public lands, 564.
Reservations, 564.
Electrician Sergeants:
Appointment, 100, 110.
Control, 111.
Duties, 110.
Examination, 103–105, 110.
Instruction, 110.
Rank, 9.
Qualifications, 100, 110.
Reenlistment, 113.
Reports, 112.
School for, 537.
Selection, 100–103, 110.
Stations, 107, 110.
Electric Lights:
Allowance, 1129, 1130.
Measure, 1131.
Sales, 1130–1133.

Embellishment of Posts, 229.
Embezzlement, A. W. 60.
Emergency Ration, 1377, 1382.
Employees, 808–820.
See *Civilian Employees.*
Employment of Civilians, 808.
Employment of Military Force, 563–568.
Endorsements, 844.
Enemy:
Battle reports, 885.
Captures from, A. W. 9.
Correspondence with, A. W. 46.
Misbehavior before, A. W. 42.
Relieving, A. W. 45.
Enforcement of Law:
Force in, 563–568.
Engagements:
Reports, 885.
Engineer Battalions:
Band, 274–279.
Engineer Department:
Advertising, 578–587.
Boards, 824.
Civilian employees, 808–820.
Changes of station, 822, 823.
Chief of Engineers, 1678, 1692.
Command, 1678, 1682.
Duties, 821.
Evacuated posts, 230.
Fortifications, 375–380, 382, 391.
Inspections, 968–971.
Instruction, 531.
Mines, 1677.
Money accounts, 658–738.
Officers, 1679–1690.
Purchases, 593–657.
Supplies, 375–380, 382, 391, 1677.
Torpedoes, 1677.
Travel, 1472, 1677.
Troops, 1677–1683.
Engineer Officers:
Allowances, 1681, 1690, 1693.
Command, 1678, 1680, 1682, 1683.
Detachment, 1679, 1680.
Duties, 1677, 1678, 1683, 1684–1689.
Travel pay, 1693.
Engineers:
Colors, 239, 240.
Precedence, 6.
Engineer School, 531, 532.
Details to, 532.
Engineer Troops:
Allowances, 1681.
Command, 1678, 1680, 1682, 1683.
Detachment, 1679, 1680.
Duties, 1677, 1679, 1685, 1687.
Precedence, 6.
Reports, 1679, 1680.
Returns, 1679, 1680.
Enlisted Men:
Absence without leave, 138, 144, A. W. 32.
Accounts of pay, etc., 115.
Allotments of pay, 1531–1544.
Ammunition, sale, waste, etc., A. W. 16.
Articles of war read to, A. W. 2.
Artificers, 290, 292.
Artisans, 183.
Enlisted Men—Continued.
Badges of military societies, 1760.
Baggage, 1224, 1241–1245.
Bakers, 183, 306.
Bathing, 299.
Beards, 299.
Blacksmiths, 183.
Candidates for promotion, 27–33.
Certificates of—
Disability, 171–174.
Merit, 196–199.
Claims for property lost, 807.
Cleanliness, 299, 301.
Clerks—
To judge-advocates, 1062.
Extra-duty pay, 183.
Clothing, 293, 299, 1301–1312, 1320.
Allowances, 1301–1312.
Commutation of rations, 1410–1425.
Confinement of, 1004–1010, 1017.
Cooking, 310–316.
Cooks, 290, 292.
Corporals, 285–291.
Counsel, 1037.
Credit sales, 1427, 1431, 1435–1437.
Death of, A. W. 126.
Dental work, 1583, 1587, 1588.
Deposits, 1547–1555.
Detached, 115.
Details on extra duty, 181–190.
Discharges, 151–174, A. W. 4.
Disciplinary punishments, 1027.
Disobedience of orders, A. W. 21.
Divine service, A. W. 52.
Drunk on duty, A. W. 38.
Dueling, A. W. 26–28.
Effects of deceased, 176–179, A. W. 126, 127.
Enlistments, 921–938.
Equipments, 308.
Examinations of, for promotion, 26–33.
Farriers, 290, 293.
Field musicians, 290, 292.
Final statements, 147, 152, 153, 156, 159, 162, 166, 170.
Funerals, 496, 501–508.
Furloughs, 116–124.
Hair, 299.
Hiring duty, A. W. 36, 37.
Hospital Corps, 1590–1620.
Illuminating supplies, 1116–1135.
Laborers, 183.
Lance corporals, 287.
Lying out of quarters, A. W. 31.
Married men, 1600.
Mechanics, 183, 290, 292.
Medals of honor, 195.
Medical attendance, 1653–1655.
Messing, 310–316.
Misbehavior before enemy, A. W. 42.
Mourning 505–508.
Noncommissioned staff, 100–114, 268.
Parade, failing to repair to, A. W. 33.
Payments by—
Check, 1502–1527.
Currency, 1502–1527.
Express, 1502–1527.
On discharge, 1559–1566.

Enlisted Men—Continued.
Profane oaths, A. W. 53.
Property, 304, 309.
Quitting guard, etc., A. W. 40.
Rank, 9.
Rations, 1377–1402.
Records, 834.
Redress of wrongs, A. W. 30.
Reenlistment pay, 1528–1530.
Saddlers, 290, 292.
Sales of subsistence, 1428, 1429, 1431, 1434, 1436, 1437.
Salutes by, 456–463.
Schools, 355–359, 362.
School-teachers, 183.
Sergeants, 285–291
Signal Corps, 1742.
Sleeping cars, 1232–1240.
Sleeping on post, A. W. 39.
Soldiers' Home, 191–194, 1545.
Summary courts for trial of, 1031–1036.
Teachers, 183.
Teamsters, 183.
Transfers, 125, 126.
Travel allowances, 1232–1240, 1410–1425, 1559–1566.
Uniform, 362, 363, 1756–1759.
Wagoners, 186, 290, 292.
Witnesses, 1023–1025.
Enlistments:
Accountability of officer, 925.
Age, 921–923.
Antedating, 932.
Applications, 921, 922, 936–938.
Articles of War relating to, 930.
Consent of parent, 927.
Contract, 929.
Declaration, 927.
Disqualifications for, 923.
False representations, 928.
Fraudulent, A. W. 50.
Guardian, consent, 927.
Hospital Corps, 1597, 1598.
Indian scouts, 558, 561–562.
Married men, 926.
Medical inspection, 939–947.
Methods, 922–930, 936–938.
Minor, 927.
Oath, 929.
Parent, consent, 927.
Papers, 931.
Prohibited, A. W. 3.
Reenlistments, 934, 935.
Qualifications, 921–923.
Ensign, Navy:
Relative rank, 12.
Envelopes:
Penalty, 906–911.
Envoys:
Honors to, 450.
Salutes to, 468.
Equalization of Staff Details, 37.
Equipage:
Allowances, 1286.
Band instruments, 1326, 1327.
Brooms, 1328, 1329.
Canvas, 1030.
Equipage—Continued.
Corn brooms, 1328, 1329.
Estimates, 1287–1297.
Handles, ax, pick, etc., 1323.
Helves, ax, etc., 1323.
Issues, 1295, 1323–1330.
Price lists, 1286.
Scrubbing brushes, 1328.
Tableware, 1324, 1325.
Tent pins, 1323.
Tents, 1330.
Erasers, 1137, 1262.
Escaped Prisoners:
Rewards for, 139.
Escape of Prisoner:
Prevention, 1010.
Escape:
Suffering prisoner to, A. W. 69.
Escorts:
Colors, 515.
Funeral, 499–504.
Honor, 488.
Estimates:
Clothing, 1287–1297.
Equipage, 1287–1297.
Promptly forwarded, 828.
Quartermasters, 1079.
Revision, 1288, 1290.
Special, for clothing, 1292.
Subsistence supplies, 1354.
Supervision by department commanders, 826, 829, 832.
Evacuated Posts, 230.
Evening Gun, 226.
Evidence:
Courts-martial, A. W. 92.
Examination of Money Accounts, 737, 738.
Examinations:
Civilians for appointment, 33–35.
Dental surgeons, 1578.
Deserters, 128, 131, 132.
Details to staff, 36.
Enlisted men for promotion, 26–33.
Hospital stewards, 1591.
Line officers for promotion, 24.
Physical, of recruits, 939–947.
Post noncommissioned staff, 103–105, 110.
Promotion, 23, 24, 25.
Staff officers for promotion, 23.
Veterinarians, 200.
Exchange of Officers, 52, 53.
Exchanges, 363–365.
See *Post Exchanges.*
Executors:
Payments to, forbidden, 734.
Expeditions:
Command and direction of, 19.
Loans to surveying, 754.
Maps, 522–526.
Expenditures:
Ammunition, 1713–1716.
Contingent funds, 215.
On order of superior, 735.
Experimental Trials, 1738–1740.
Express:
Payments of troops by, 1502–1527.
Extradition:
Enforcement of, 564.

Extra Issues, 1403.
Extra Duty:
Artificers, 186.
Authority for, 182, 183.
Bakers, 183, 306.
Blacksmiths, 186.
Charges for, 187.
Clerks, 183.
Compensation, 183, 187, 189.
Definition, 182.
Department commander, supervision, 182, 184, 190.
Details, 182, 183.
Extra pay, 189.
Farriers, 186.
Funds for, 182, 190.
Hours of labor, 189.
Inspections. 188.
Laborers, 183.
Mechanics, 183.
Noncommissioned officers, 184, 185.
Orders for, 183.
Overseers, 183.
Overtime, 189.
Rates of pay, 183, 189.
Restrictions on, 181–186, 187–190.
Reports, 182.
Saddlers, 186.
School-teachers, 183.
Secretary of War, supervision, 185.
Special duty, 182.
Teachers, 183.
Teamsters, 183.
Wagoners, 186.
Extra Duty Pay:
Allotments, 182, 190.
Authority for, 182, 184, 185, 190.
Funds for, 182, 190.
Hours of labor, 189.
Overtime, 189.
Rates of pay, 183, 189.
Restrictions on, 181–187, 190.
Reports, 182.
Extra Pay:
Certificate of merit, 196–199.
Extra duty, 181–190.
Facts:
Errors of, in certificate, 736.
False Alarm:
A. W. 41.
False Certificates:
A. W. 13.
False Muster:
A. W. 14.
Families:
Dental work not done for, 1583.
Medical attendance, 1053.
Sales of—
Fuel to, —.
Subsistence to, 1426, 1434.
Farriers:
Appointment, 290, 292.
Reduction, 290.
Fatigue Uniform, 302.
Female Nurses:
Rations, 1378.
Ferries, 1230, 1231.
Ferry Tickets, 1231.
Field Artillery:
Details, 436.
Duty, 436.
Guidons, 247.
Field Batteries:
Horses for officers, 1179, 1180.
Field Kit, 316.
Field Musicians:
Appointment, 290, 292.
Reduction, 290.
Field Ration, 1377, 1380.
Final Statements:
Blank forms for, 167.
By whom prepared, 152.
Character noted, 162.
Contents, 152, 153, 156, 159, 162, 166, 170.
Deposits, 1548–1550.
Discharged soldiers, 152, 153, 156, 159, 162, 166, 170.
Loss, 1561.
Notification to paymaster, 166.
Payments on, 166, 1559–1561, 1564–1566
Retired enlisted men, 147.
Signature of soldier, 166.
Transfers, 1566.
Transportation noted, 159, 170
First Aid to Injured, 1609.
First Lieutenant:
Command of, 14.
Precedence, 10, 11.
Rank, 9.
Relative rank, 12.
First Sergeants, 288, 289.
Appointment, 288.
Rank, 9.
Reduction, 288.
Selection, 288.
Warrant, 289.
Fiscal Year:
Abstracts, 701.
Accounts current, 701, 702.
Balances, 705–707.
Beginning, 699.
Contingent expenses, 703.
End, 699.
Funds at close of, 705.
Remittances to show, 700.
Supplemental accounts, 706.
Vouchers, 701.
Flags:
Artillery—
Battery, 247.
Corps, 241.
Battles, 250.
Camp colors, 251.
Cavalry, 243, 246.
Colors, 234, 236, 244 245, 251.
Dipping, 480.
Disposition, 249.
Engineers, 239, 240.
Garrison, 237.
Geneva convention, 238.
Guidons, 246, 247.
Honors to, 451.
Infantry, 242.
National, 231, 232, 237.

Flags—Continued.
Post, 237.
President, 233.
Restriction on use of, 252.
Secretary of War, 235.
Signal Corps, 248.
Storm, 237.
Target practice, 421.
Unserviceable, 249.
Flogging:
Punishment, A. W. 98.
Floors, 300.
Flour:
Small-arms practice, 421, 1403.
Forage:
Allowance, 1154, 1155, 1162.
Bedding, 1161, 1162.
Contracts for, 1171, 1173.
Deliveries, 1171.
Grain, 1172, 1174–1177.
Grazing, 1155.
Hay, 1172, 1174–1177.
Inventories, 1174–1177.
Issues, 1156.
Masters, 1170.
Private horses, 1157–1159.
Receipt, 1172.
Restrictions on issues, 1158–1160.
Sales, 1159, 1160.
Short forage, 1173.
Straw, 1172, 1175, 1176.
Verification, 1174–1177.
Weighing, 1172, 1174–1177.
Forage Masters:
Not to be interested in transportation, etc., 1170.
Force:
Command of, 567.
Employment of, 563–568.
Restrictions on, 563, 565.
Use, 567, 568.
Forms (see *Blank Forms*), 592, 1761
Directions on, 1761.
How obtained, 592.
Foreign Correspondence:
Penalty envelopes not used in, 911.
Foreign Countries:
Reports of visits to, 66.
Foreign Men-of-War:
Salutes by, 477, 478.
Salutes to, 477, 478.
Visits, 482–487.
Foreign Officers:
Visits and courtesies, 481–487
Foreign Purchases, 595.
Foreign Service:
Pay, 1449.
Forfeitures:
Absence without leave, 144.
Desertion, 135–138, 142–144.
Pay, 1545.
Formations:
Chaplains, 51.
Precedence of corps, 6.
Fort Bayard:
General hospital, 1627.
Fortifications:
Alterations in, 1661.
Fortifications—Continued.
Ammunition service, 374.
Artillery corps, duties, 369–399.
Boilers, 372.
Charts, 393.
Completion, 1691.
Converter boards, 370.
Construction, 1677.
Engineer officers, 1689, 1690.
Guns—
Care, 369–371.
Mounting, 375–381.
Electric light and power plants, 372, 389.
Engineer Department, supplies, 382, 391.
Inspections, 400, 401.
Magazines, 395–398.
Mechanical maneuver 357.
Mine fields, 369, 370.
Mines, 369, 370.
Mortars, care, mounting.
Mounting guns, etc., 369–371, 375–381.
Ordnance Department, supplies, 383, 384, 392.
Parapets, 373.
Penthouses, 399.
Platforms, 373.
Position finders, 370, 388–392.
Power plants, 372, 389.
Quartermaster's Department, supplies, 385.
Range finders, 370, 388–392.
Signal Department, supplies, 386, 390.
Supplies for, 382–386, 390–392.
Torpedoes, 369, 370.
Vessel tracking, 394.
Visits, 402–406.
Fraud, A. W. 60.
Frays:
Suppression of, A. W. 24.
Fresh Meat:
Issues, etc., 1376, 1380, 1383.
Fuel:
Allowances, 1110, 1115.
Bakery, 335, 1108.
Certificate, 1105.
Coal, 1172, 1174–1177.
Deliveries, 1171, 1172.
Equivalents, 1186.
Increase, 1115.
Inventories, 1174–1177.
Issues, 1108, 1109, 1110.
Oak wood, standard, 1106.
Payments for, 1104.
Property, 1108.
Purchases, 1101, 1102, 1104–1107.
Sales to—
Commissioned officers, 1101, 1102, 1104–1107.
Enlisted men, 1103.
Families, 1102, 1105.
Savings to be returned, 1108.
Verification, 1172, 1174–1177.
Veterinarians, 201.
Wood, 1172, 1174–1177.
Funds (see *Public Moneys*):
Embezzlement, A. W. 60.
In personal possession, 665, 666.
Of deceased officer, 98.
Funeral Expenses:
Commissioned officers, 95.
Enlisted men, 180.

Funeral Honors, 489–509.
Funerals:
Bearers, 503.
Colors, 508.
Commissioned officers, 490–495, 499–500, 502–509.
Draping flags, 508.
Enlisted men, 496, 501–503, 504–508.
Escorts, 499–502.
Flag, 491, 493–498, 508.
Honors, 489–509.
Mourning, 505–508.
Pallbearers, 503.
Procession, 499–504.
Uniform, 504.
Fur Garments, 1314, 1315.
Furloughs:
Arms not taken on, 124.
Beyond sea, transportation, 122.
Changes of station, 123.
Commencement, 122.
Commutation of rations, 1418–1425.
Corps commander, 117.
Department commander, 117.
Duration, 116, 117, 119, 122.
Granting, 116, 117–120, A. W. 11.
Payments on, 124.
Post commander, 116.
Post noncommissioned staff, 119.
Regimental commander, 116.
Restrictions on, 118–120.
Suspension, 118.
Station changed during, 123.
Transportation to men on, 121, 122
Furniture:
Barrack, 1137.
Gambling, 86.
Disbursing officer, 672.
Game:
Hunting, 69, 70, 422.
Gardens, 352–354.
(See *Post Gardens.*)
Garrison Courts, A. W. 82.
Jurisdiction, A. W. 83.
Ration, 1377, 1380.
Returns, A. W. 7.
Gas:
Allowance, 1129, 1130.
Measure, 1131.
Sales, 1130–1133.
General:
Escorts, 488.
Funeral honors, 491, 499.
Honors to, 449.
Rank, 9.
Relative rank, 12.
Salutes to, 471.
Visits, 481.
General Depots, 1078.
General Control, 208.
General Estimates, 331.
General Courts (see *Courts-Martial*):
Composition, A. W. 74–78.
Constitution, A. W. 72–74.
Jurisdiction, A. W. 77–79.
General Hospitals:
Boats, 1622.
Control, 1621, 1622.
Fort Bayard, 1627.
General Hospitals—Continued.
Hot Springs, 1623–1626.
Railway trains, 1622.
Transports, 1622.
General Messes, 310–316.
Subsistence, 1402.
General Officers:
Aids, 40, 892.
Appointment, 21.
Commands, 14.
Escorts, 488.
Funeral honors, 491, 499.
Honors, 449, 450.
Personal reports, 892.
Rank, 9.
Relative rank, 12.
Salutes, 471–474.
Selection, 21.
Sentences affecting, A. W. 108.
Travel on duty, 77–84.
Visits, 481.
General Orders, 856, 857, 859.
Contents, 856, 857, 859.
Copies to Adjutant-General, 869–871.
Distribution, 866, 867.
Execution, 861.
General Prisoners, 1008, 1011–1017.
Issues to, 1404.
General Service:
Clerks and messengers, 809.
Geneva Flag, 238.
Gentlemen:
Conduct unbecoming, etc., A. W. 61.
Gestures:
Reproachful, A. W. 25.
Glassware, 1087.
Good Conduct of Prisoner:
Abatement for, 1016.
Government Asylum for the Insane, 544–549.
Admissions to, 545.
Applications, 546.
Escorts, 547, 548.
Release of patients, 549.
Governor-General:
Definition, 468.
Honors to, 468.
Salutes to, 468.
Visits, 483.
Grades of Rank, 9, 12.
Commands appropriate to, 14.
Graduating Leave of Absence, 528.
Grand Army of the Republic:
Badge, 1760.
Grant, General, National Park:
Removal of intruders, 564.
Grantors of Allotments, 1531, 1532–1534. 1538–1542, 1544.
Gratuitous Issues:
Clothing, 1319, 1636.
Subsistence, 1405.
Grazing Public Animals, 1155
Guaranties, 611, 612, 642.
Guard:
Commander of, duty to receive prisoners, A. W. 67.
Duty, manual of, to prevail, 518.
Report, A. W. 68.

Guard Duty as Punishment:
Forbidden, 1040.
Guardhouse:
Fuel, 1110.
Lights, 1116–1128, 1135.
Guardian:
Consent to enlistment, 927.
Guards:
Articles for use of, 519–521.
Manual, 518.
Guidons:
Cavalry, 246.
Field artillery, 247.
Guns (see *Fortifications*):
Artillery officers, 375–380.
Assembling, 379.
Department commanders, 381.
Electric appliances, 382.
Engineer officers, 375–380.
Motors, 353.
Mounting, 375–386.
Ordnance officers, 379–381, 383, 384.
Gymnastic Apparatus, etc.:
Transportation for, 1255.
Habeas Corpus:
Issue, 1073–1075.
Production of body, 1073–1075
Return—
Contents, 1073–1075.
State court, 1073, 1074.
United States court, 1073–1075.
Habitual Intemperance, 86.
Hand Litters, 1613.
Hatchet Handles, 1323.
Heads of Departments:
Assignment of officers, 822, 823.
Boards, 824.
Civilian employees, 808–820.
Control of depots, 208.
Correspondence, 841, 852–855.
Efficiency reports, 900–905.
Property, 739, 807.
Purchases, 593–657.
Staff administration, 821–832.
Health, Public:
Enforcement of laws, 564.
Heating Stoves, 1110, 1114.
Helves, Axe:
Dropped, 1323.
Hygiene of Posts, 1571.
Higher Grade:
Pay, 1448, 1463.
Hiring Duty, A. W. 36.
Connivance at, A. W. 37.
Hiring Quarters, 1092, 1093.
Honorable Discharge, 151, 167.
Honors:
Ambassadors, 450.
Assistant Secretary of War, 450.
Brigadier-general, 449.
Cabinet officers, 450.
Chief Justice, 450.
Colors, 451.
Commanding officer, 453.
Envoys, 450.
Funeral, 489–509.
General of Army, 449.
Honors—Continued.
Lieutenant-General, 449.
Marine officers, 464.
Major-general commanding, 449
Marches, 452.
Ministers, 450.
Militia, 464.
National color, 451.
Not paid on march, 452.
Officers of Navy, 450, 464.
President, 449.
President of Senate, 450.
Regimental color, 451.
Speaker of House of Representatives, 450.
Vice-President, 450.
Volunteers, 464.
Horses:
Indian scouts, 558.
Forage ration, 1154–1162.
Private, 1178–1182.
Public, 1141–1150.
Shoeing, 1181.
Use, 1179–1180.
Veterinarians, 200–204.
Veterinary medicines, 1151–1153.
Horseshoeing:
Animals, 1181.
Materials, 1181.
Nails, 1181.
Shoes, 1181.
Tools, 1181,
Hospital Boots, 1622.
Corps, 1590–1620.
Flags, 238.
Matrons, 1630.
Property, use of, 1637.
Railway trains, 1622.
Rations, 1391–1407.
Savings, 1407–1409.
Stewards, 1591–1598.
Transports, 1622.
Hospital Corps:
Accounts, 1603.
Acting hospital stewards, 1595, 1596.
Arms, 1620.
Assignment, 1605–1607.
Clothing accounts, 1603.
Duties, 1590, 1601, 1610–1620.
Enlistment, 1597, 1598.
Equipment, 1604.
Field service, 1616–1620.
Garrison service, 1610–1615.
Hospital stewards, 1591–1595.
Instruction, 1608, 1609
Married men, 1600.
Precedence, 6.
Recruits, 1597.
Reenlistments, 1597.
Service—
Garrison, 1610–1615.
Field, 1616–1620.
Transfers in, 1602.
transfers to, 1599.
Hospitals:
Admissions, 1632, 1639.
Buildings, 1644–1650.
Flags, 238.

Hospitals—Continued.
General, 1621–1627.
Fort Bayard, N. Mex., 1627.
Hot Springs, 1623–1626.
Service of, 1628–1643.
Veterinary, 204.
Hospital Stewards:
Appointment, 1591, 1596.
Assignment, 1605.
Discharge, 1594.
Enlistment, 1590, 1597.
Examination, 1591.
Qualifications, 1591.
Rank, 6.
Reduction, 1593.
Reenlistment, 1592.
Reports, 1593.
Service, 1591.
Hot Springs:
General hospital, 1623–1626.
Hours for Meals, 444.
House of Representatives:
Committees of, honors, 450.
Speaker of, honors, 468.
Huck Towels:
Issues, 1403.
Hunting:
Ammunition for, 422.
Passes, 69, 70.
Reports, 69.
Hunt:
Permission to, 68, 69.
Identification for Payment:
Enlisted men, 1559.
Payees, 727.
Illuminating Supplies:
Amusement rooms, 1119.
Burners, 1117–1121.
Chapels, 1118.
Companies, 1119.
Electric light, 1129–1135.
Exterior illumination, 1120.
Guardhouses, 1118.
Hours of illumination, 1123.
Issues, 1116–1128, 1129–1135.
Lamps, 1117.
Lanterns, 1121.
Mineral oil, 1122, 1124, 1128.
Noncommissioned officers, 1117.
Oil, 1122, 1124, 1128.
Reading rooms, 1128, 1129.
Requisitions, 1127.
Sales, 1125, 1126, 1130–1132.
Inclosures to Letters, 845.
Increase of Fuel Allowance, 1115.
Indian Country, 551.
Ammunition, 554.
Arms, 554.
Intruders, 552.
Liquor, 550.
Seizures in, 550.
Indians:
Animals, ownership, 553.
Country, 551.
Issues to, 555, 556.
Liquor, 550.
Indians—Continued.
Prisoners of war, 556.
Protection of, 560.
Purchases from, 557.
Scouts, 558–562.
Indian Scouts:
Allowances, 558.
Enlistment, 558, 561, 562.
Noncommissioned officers, 559, 560.
Pay, 558.
Restriction on pay, 558.
Individual Service:
Reports, 899.
Indorsements, 844.
Infantry:
Bands, 274–279.
Colors, 238, 242, 245, 249–252.
Duties by roster, 423–432.
Precedence, 6.
Regimental staff, 260–269.
Regiment, 253–279.
Infantry and Cavalry School, 538, 539.
Inferior Courts:
Approval of sentence, A. W. 112.
Composition, 50–52.
Jurisdiction, 80–83.
Sentences, A. W. 112.
Inferiors:
Duty of obedience, 1.
Information Regarding Records, 894.
Inks:
Colored, not to be used, 892.
Inkstands, 1137.
Inquiry:
Courts of, A. W. 115–121.
Insane:
Asylum for, 544–549.
Care of, 544–549.
Insane Person:
Enlistment, A. W. 3.
Inspection Reports, 962, 966, 972, 975, 979–990.
Inspections:
Accounts, 971, 977, 978.
Arsenals, 968.
Artillery corps, 400, 401.
Bakers, 339.
Camps, 907, 974, 975.
Chaplains, 51.
Companies, 296, 400, 401.
Department commanders, 211.
Depots, 908.
Disbursements, 971, 977, 978.
Extracts from reports, 962.
Fortifications, 400, 401.
Frauds, 963.
Garrisons, 967, 974, 975.
Medical, of recruits, 939–947
Methods of, 962, 974, 975.
Military Academy, 969.
Musters, 514.
National cemeteries, 967.
National Home, 964, 965.
Oaths, 903.
Ordnance, 1726–1728.
Posts, 967, 974, 975.
Property, 979–990.
Recruits, 939–947.

Inspections—Continued.
Regimental, 250.
Reports of, 962, 966, 972, 975, 979–990.
Scope, 956.
Soldiers' Home, 966.
Sphere of inquiry, 956.
Troops, 967, 974, 975, 976.
Ungarrisoned posts, 967.
Inspector-General's Department:
Accounts, 971, 977, 978.
Articles for sales, 964.
Assignments, 822, 823, 957.
Civilian employees, 808–820.
Condemnation of property, 979–990.
Correspondence, 959.
Disbursements, 971, 977, 978.
Duties, 956–973.
Efficiency reports, 900–905.
Expert accountant, travel, 818.
Inspections, 966–973.
Methods of inspection, 974–990.
National Home, 965.
Oaths, 963.
Property, 979–990.
Reports, 962, 966, 972, 975, 979–990.
Soldiers' Home, 960.
Sphere of inquiry, 956.
Troops, 974–976.
Inspector of Artillery, 409.
Inspectors:
Assignments, 957.
Correspondence, 959.
Designation of articles for sales, 964.
Disbursing officers, 971, 977, 978.
Duties, 956–990.
Giving orders, 961.
Inspections, 964–990.
Methods of inspection, 962, 974–976.
Money accounts, 971, 977–978.
Orders, 960–961.
Property for condemnation, 979–990.
Reports of, 957, 961, 962, 972.
Sphere of inquiry, 956, 975, 977, 978.
Special duties, 964–973.
Instruction:
Company, 281–285.
Post, 218.
Regimental, 256, 257.
Insurance:
Public money or property, 675.
Insurrection:
Suppression of, 564.
Interchange of Visits, 482.
Interest on Deposits, 1552.
Interior Economy of Companies:
Accouterments, 298, 301, 307. 309.
Arms, 298, 300.
Bathing, 299.
Benches, 300.
Blanket bags, 309.
Bunks, 298.
Cooking, 310–316.
Equipments, 298, 301, 307–309.
Floors, 300.
Horse equipments, 307.
Inspections, 296.
Marking, 309.
Interior Economy of Companies—Continued.
Messing, 310–316.
Numbering, 297.
Police, 299, 300.
Property, 304, 309.
Quartering, 297.
Sabers, 298.
Squads, 297.
Tables, 300.
Uniform, 302, 303.
Interlineations:
Bills of lading. 1262.
Interments:
Battle-ground cemeteries, 570, 571.
National cemeteries, post cemeteries, 572–576.
Officers, 99.
Soldiers, 180.
Intoxicated Persons:
Enlistment, A. W. 3.
Intoxicating Liquor:
Introduction into Indian country, 550.
Sale of, in exchanges forbidden, 365.
Inventors:
Presence at tests, 1739, 1740.
Invoices of Funds, 720, 721
Irons:
Use of, in confinement, 1010.
Issues:
Clothing, 1300–1310.
Equipage, 1295, 1323–1330.
Illuminating supplies, 1116–1135.
Forage, 1154–1162.
Fuel, 1101–1115.
Ordnance, 1695–1712.
Rations, 1389–1402.
Stationery, 1136–1140.
Subsistence, 1357–1360, 1377–1402.
Supervision of, 755.
Job Printing:
Approval, 588, 589, 591.
Contracts for, 588, 591.
Letter heads, 590.
Note heads, 590.
Philippine Islands, 589, 591.
Restrictions on, 588–592.
Secretary of War, supervision by, 589, 591.
vouchers, 588, 591.
Journals of Marches, 522–526.
Judge-Advocate-General:
Duties, 853, 991.
Opinions, 853.
Judge-Advocate-General's Department:
Boards, 824.
Changes of station, 822, 823.
Command of officers, 17.
Copies of records, 995, A. W. 14.
Correspondence, 995, 996.
Duties, 991, 997.
Inventories, 994.
Manual for courts-martial, 1039.
Oaths, 22.
Records, 993–997.
Reports by, 997.
Reports to, 996.
Judge-Advocates:
Appointment, A. W. 74.
Counsel for prisoner, A. W. 90.

Judge-Advocates—Continued.
Duties, A. W. 84, 90.
Oath, A. W. 85.
Keys:
Storerooms, 756.
Killed:
Lists of, 887, 888.
Reports, 887, 888.
Kitchens, 311.
Laborers:
Extra-duty pay, 183.
Lake Defenses, 366–406.
See *Fortifications.*
Lamp Chimneys, 1116–1128, 1135.
Lamps, 1116–1128, 1135.
Lamp Wicks, 1116–1128, 1135.
Lance Corporals, 287.
Appointment, 287.
Reduction, 287.
Form of office, 287.
Land-grant Railroads:
Accounts, 1284, 1285.
Bills of lading, 1270, 1284, 1285.
Mileage, 1472.
Settlements, writ, 1284, 1285.
Transportation requests, 1216.
Lands:
Acquisition, 785.
Cession, 785.
Deeds, 786.
Papers relating to, 786, 789.
Places, 786, 739.
Title papers, 786.
Lands, Public:
Ejection of trespassers, 564.
Lanterns, 1116–1128, 1135.
Larceny:
Time of war, A. W. 58.
Laundry Work:
Recruits, 1316.
Law:
Employment of force in support of, 563–568.
Laws:
Enforcement of, 563–568.
Lead Pencils:
Allowance, 1137.
Leaves of Absence:
Applications for, 57–62.
Authority to grant, 54–56, 58,59,69,70.
Before resignation, 91.
Changes of station, 1493.
Commencement, 64.
Commutation of quarters, during, 1491.
Delays, 79.
Duration, 64.
Extensions, 54, 56, 58, 71.
Graduated cadets, 59.
Pay during, 1464–1471.
Permissions to hunt, 69, 70.
Power to grant, 54–56, 58,59, 69, 70.
Reports on, 68.
Restrictions on, 60, 61, 65.
Return from, 64.
Sick leaves, 72–76.
Travel allowances, 1480, 1481.
Staff officers, 58.
Legal Representatives:
Deceased officers, 94–96, A. W. 125.
Deceased soldiers, 176, 178, 179.
Leggins, 1311.
Legion, Loyal:
Badge, 1760.
Legislation:
Attempts to influence, 5.
Letters (see *Correspondence*), 837–855.
Address, 840, 842, 848, 854.
Brief, 843.
Contents, 837,838.
Folding, 839.
Heading, 841.
Inclosures, 845.
Indorsements, 844.
Signatures, 841.
Station of writer, 840.
Tone, 854, 855.
Trivial, 854.
Libraries (see *Post Libraries*), 341–351.
Lights, 1118, 1129.
Transportation for, 1255.
Lieutenant-colonel:
Baggage, 1241–1245.
Command, 14.
Forage, 1157.
Fuel, 1110.
Horses, 1182.
Quarters, 1110.
Rank, 9–12.
Rooms, 1110.
Stores, 1110.
Lieutenant-commander, Navy:
Relative rank, 12.
Lieutenant-General:
Aids, 40.
Baggage, 1241–1245.
Command.
Escorts, 488.
Forage.
Funeral honors, 491, 499.
Fuel, 1110.
Honors to, 449.
Horses, 1182.
Leaves of absence by, 56.
Military secretary, 40.
Quarters, 1110.
Rank, 9.
Relative rank, 12.
Salutes, 471.
Visits, 481.
Lieutenant, Junior Grade, Navy:
Relative rank, 12.
Lieutenant, Navy:
Relative rank, 12.
Lieutenants:
Aids, 40.
Baggage, 1241–1245.
Command, 14.
Fuel, 1110.
Forage.
Horses, 1182.
Quarters, 1110.
Rank, 9, 12.
Rooms, 1110.
Stores, 1110.

Lighting of Buildings, 1116–1135.
Lights:
Allowance of, 1116–1135.
Limitations:
Desertion, A. W. 103.
Statute of, A. W., 103.
Lineal Rank, 9, 12.
Line:
Promotions in, 24.
Liquid Coffee, 1388.
Lists:
Casualties, 887, 888.
Litters:
Hand, 1613.
Mule, 1614.
Loans:
Ordnance, 1707.
Property, 754, 759.
Lockers, 1085.
Longevity Pay, 1461.
Lost Property:
Claims for, 807.
Lot:
To determine rank, 11.
Loyal Legion:
Badge, 1760.
Lying out of Quarters, A. W. 31.
Magazines, 395–398.
Mail Contractors:
Assistance, 225.
Major:
Baggage allowance, 1241–1245.
Command, 14, 259, 260.
Deceased officers, A. W. 125.
Forage.
Fuel, 1110.
Horses, 1182.
Precedence, 10, 11.
Quarters, 1110.
Rank, 6, 12.
Rooms, 1110.
Stores, 1110.
Major-General:
Baggage allowance, 1241–1245.
Command, 14.
Escorts, 458.
Forage.
Fuel, 1110.
Funeral honors, 491, 499.
Honors, 449.
Horses, 1182.
Quarters, 1110.
Rank, 9, 12.
Rooms, 1110.
Salutes, 471.
Stores, 1110.
Visits, 481.
Manslaughter:
In time of war, A. W. 58.
Manuals:
Army Cooks, 313.
Courts-martial, 1039.
Guard duty, 518.
Coast artillery, 371, 412.
Heavy artillery, 371.
Small arms practice, 416.
Maps:
School of officers for, 522.
Field notes, 522, 526.
Journals of march, 522.
Marches, 522–526.
Reconnaissances, 522–526.
March:
Order on, A. W. 54.
Marches,, 522–526.
Behavior on, A. W. 55.
Marine Corps:
Battle reports, 885, 886.
Courts-martial, A. W. 78.
Deserters from, 145.
Precedence, 6.
Relative rank, 10, 11.
Subsistence, issues of, 1379.
Marine Officers:
Courts-martial, A. W. 78.
Funeral honors, 491, 499.
Honors to, 450.
Precedence, 6.
Rank, 6, 12.
Salutes, 475.
Visits, 482–487.
Marines:
Deserters from, 145.
Subsistence, issues, 1379.
Marking of Property:
Animals, 1145.
Company, 309.
Regimental, 270.
Married Men:
Enlistment of, 1600.
Matches:
Issues, 1403.
Matrons:
Hospital, 1630.
Assignment, 1630.
Rations, 1379.
Mattresses, 1087.
Maximum Punishments, 1038.
Mayhem:
In time of war, A. W. 58.
Meal Hours, 444.
Meals:
Time allowed, 444.
Measuring:
Hay and wood, 1172, 1174–1177.
Mechanics, 290,292.
Extra-duty pay, 183.
Medals of Honor, 195.
Applications, 195.
Awards, 195.
Character of service, 195.
Conditions of award, 195.
Service, 195.
Medical Attendance:
Accounts for, 1656–1665.
Charges, 1665.
Compensation for, 1662–1665.
Enlisted men, 1653, 1655.
Families, 1653.
Hospital treatment, 1660.
Medicines, 1657–1658.
Nurses, 1661.

Medical Attendance—Continued.
Officers, 1653–1665.
Payments, 1659–1665.
Retired enlisted men, 1654.
Retired officers, 1654.
Medical Department:
Advertising, 578–587.
Appointments, 1572, 1573.
Army Medical School, 542, 543.
Army transports, 1196.
Artificial limbs, 1672–1676.
Attendance, 1653–1665.
Boards, 824.
Bonds, 650–657.
Casualty lists, 887, 888.
Changes of station, 822, 823.
Chief surgeons, 1671.
Civilian employees, 505–520.
Command of officers, 17, 18.
Contract surgeons, 1574, 1577.
Dental surgeons, 1574–1589.
Duties, 821, 1571.
Examining boards, 28.
Female nurses, rations, 1378.
Fort Bayard, general hospital, 1627.
General hospitals, 1621–1627.
Geneva flag, 238.
Hospital Corps, 1590, 1620.
ration, 1391–1407.
Inspections, 1671.
of recruits, 939–947.
Lists of casualties, 887, 888.
Matrons, 1379.
Medical attendance, 1653–1665.
Supplies, 1666–1669.
Money accounts, 658–738.
Nurses, 1378.
Post surgeons, 1571.
Property accounts, 739–807.
Purchases, 593–657.
Recruits, medical inspections, 939–947.
Reports, 1670.
Savings, hospital, 1401–1409.
Service of hospitals, 1628–1643.
Visits of inspection, 1671.
Medical Inspection of Recruits:
At posts, 946.
Before departure, 944.
By whom made, 940.
Character, 940, 943.
Conduct of, 939, 943.
Inspection, 941–943.
Medical examination at post, 940.
Record of, 939, 943, 945, 947.
Recruiting officer present, 940.
Register of, 947.
Vaccination, 942.
When made, 941, 944, 945, 946.
Medical Museum:
Transportation for, 1253.
Medical School, 542, 543.
Medical Supplies:
Purchases, 1666–1669.
Medicines:
Accounts for, 1657, 1658.
Damaged, 1669.
Disinfectants, 1668.
Medicines—Continued.
Issues, 1667.
Metric system, 1667.
Purchases, 1660.
Receipts, 1667.
Veterinary, 1151–1153.
Members of Courts:
Disorderly conduct, 1021.
Duty, 1019.
Rank, 1018.
Memorandum Receipts, 1166–1169.
Memorial Day:
Observance of, 516.
Merit:
Certificates of, 196–199.
Messages:
Precedence, 1744–1746.
Mess Call, 444.
Councils, 317–323.
Rooms, 1099.
Messengers, 809.
Messenger Service:
Street-car tickets, 1231.
Mess funds, 318, 331–334.
Council, 317–323.
Custodian, 318.
Deposits, 318.
Expenditures, 331–334.
Outfits, 1087.
Purchases, 324, 325.
Restrictions on use, 324–325.
Rooms, 1099.
Mess Furniture, 315, 316.
Messing:
Fare, 312.
Field kit, 316.
Company messes, 310.
General messes, 310.
Kitchens, 311.
Manual for Army Cooks, 313.
Mess furniture, 315, 316.
Prisoners' food, 314.
Supervision, 310.
Tableware, 315, 316.
Methods of Purchase, 627–644, 645–647.
Contract, 627–637.
Oral agreement, 627, 645–647.
Written contracts, 627–644.
Metric System:
Use of, 1667.
Mexican War:
Badges of societies, 1760.
Mileage (see *Travel Allowances*), 1472–1458.
Computation, 1472.
Orders contemplating, 78–84.
Payment, 1476.
Rates, 1472.
Military Academy, 527–529.
Absence, leaves to graduates, 528.
Appointments of former cadets, 529.
Graduating leave, 528.
Inspections, 969.
Leaves of absence, 528.
Payments to cadets, 1501.
Regulations for, 527.
Service at, 529.
Tranportation for, 1253.

Military Attachés:
Allowances, 41.
Baggage, 1224, 1242, 1244,
Transportation, 1224, 1242, 1244.
Military Courts and Boards:
Stationery for, 1140.
Military Departments, 207–215.
See *Territorial Departments.*
Military Establishment:
Commanding general, 205.
Military Commands, 967, 974–976.
Military Correspondence, 837–855.
Military Discipline:
Conduct prejudicial to, A. W. 62.
Military Force:
Applications for.
Civil rights, 564.
Command of troops, 567.
Employment of, 563–568.
Employment of force, 567.
Execution of laws, 564.
Extradition, 564.
Guano islands, 564.
Health, public, 564.
Insurrection, 564.
Interstate commerce, 564.
Lands, public, 564.
National parks, 564.
Protection of Indians, 564.
Republican form of government, 564.
Requests for, 566.
Restrictions on use of, 563, 565.
Sequoia Park, 564.
Trade and commerce, 564.
Use of, 567, 568.
Yosemite Park, 564.
Military Funerals, 489–509.
Military Prisoners:
Clothing, 1317, 1318.
Military Rank:
Definition, 7.
Military Secretary, 40.
Military Service Institution:
Transportation for, 1253.
Military Societies:
Badges, 1760.
Military Telegraph Lines, 1744–1746, 1748.
Military Posts:
Buildings, 223, 224, 787, 788.
Camps, 217.
Care of, 229.
Commanders, duties, 218–227, 229.
Construction, 787.
Designations, 216, 217.
Embellishment, 229.
Establishment, 216.
Evacuated, 230.
Evening gun, 226.
Expenditures, 222, 223, 224, 229.
Forts, 217.
Hospitals, 219.
Inspections, 219.
Mail contractors, 225.
Morning gun, 226.
Names, 216.
Observance of the Sabbath, 220.
Plans, 789.
Military Posts—Continued.
Records, 227.
Repairs, 224, 788.
Restriction on expenditures, 224, 787, 788.
Staff, 221.
Militia:
Honors to, 463.
Precedence, 6.
Rank, 10, 11, A. W. 124.
Salutes, 475.
Service in, of civilian candidate, 34.
Subject to articles of war, A. W. 64.
Militia Officers:
Honors to, 450.
Mine Fields, 369, 370.
Mines, 369, 370.
Mineral Oil:
Allowances, 1116–1128, 1135.
Flash point, 1122.
Issues, 1127.
Sales, 1125, 1126.
Savings, not allowed, 1128.
Standard, 1122.
Minor under 16:
Enlistment, A. W. 3.
Minors:
Enlistment of, 921–923, 927, A. W. 3.
Misappropriation, A. W. 60.
Misbehavior before Enemy, A. W. 42.
Mitigation, 1017, A. W. 112.
Mittens:
Canvas, 1313.
Mobs:
Employment of force against, 568.
Money Accountability:
Accounts current, 708–712.
Administrative examination, 737, 738.
Certificates of deposit, 690–695.
Checks, 678–689.
Computation of time, 733.
Inspection, 971, 977, 978.
Money vouchers, 713–734.
Pecuniary responsibility of officers, 735, 736.
Proceeds of sales, 696–698.
Public moneys, 658–675.
Transfers of funds, 676–686.
Vouchers, 713.
Money Accounts:
Administration examination, 737, 738.
Commutation of rations, 1410–1425.
Savings of rations, 1407–1409.
Moneys. (See *Public Moneys*):
Embezzlement, A. W. 60.
Money Vouchers, 713–734.
See *Vouchers.*
Monthly Returns:
Troops, 876–877.
Morning Gun, 226.
Morning Reports, 448.
Mortars:
Mounting, etc., 375–381.
Mounted Pay, 1450–1452.
Mugs:
Shaving, 1404.
Mule Litters, 1614.
Mules, 1141–1150.
See *Public Animals.*

Mule Shoes, 1181.
Murder:
In time of war, A. W. 58.
Music Pouches, 1312.
Mustering Officer:
Gratifications to, A. W. 6.
Muster Rolls:
Artillery corps, 367.
Corrections on, 875.
Designation of companies on, 874.
Disposition, 872.
Entries, 872, 873.
Pay rolls, 872, 873.
Preparation, 872.
Signatures, 872.
Musters, 513, 514.
Certificates of, A. W. 12.
False, A. W. 5, A. W. 14.
Gratifications, etc., for, A. W. 6.
Mutiny:
Beginning, causes, etc., A. W. 22.
Repression, A. W. 23.
Names of Battles on Colors, 250.
National Airs, 279.
National Cemeteries, 569.
Inspection, 967.
Supervision, 569.
National Flag:
Description.
Dipping, 480.
Funerals, 494–498.
Draping, 508.
Honors to, 451, 465, 476–478, 480, 512, 515.
Mourning, 508.
Salutes to, 451, 465, 476–478, 480.
National Holidays:
Ceremonies, 517.
National Guard:
Service in, of civilian candidate, 34.
National Home, Disabled Volunteer Soldiers:
Inspection, 965, 966.
National Museum:
Transportation for, 1252.
Naval Officers:
Escorts, 488.
Funeral honors, 493.
Honors to, 450.
Salutes, 475.
Visits, 482–487.
Navy:
Deserters from, 145.
Relative rank of officers of, 12.
Seamen, rations to, 1379.
Navy Department:
Transportation for, 1252.
Needles, 1404.
Neutrality:
Enforcement of, 564.
Newspaper Advertising, 578–587.
Lists of papers, 578, 579.
Newspapers for Libraries, 341.
Noncommissioned Officers:
Allowances, 1110, 1111, 1136, 1224, 1232, 1242, 1378–1402, 1410–1425.
Appointment, 286–288, 290.
Baggage, 1232, 1242.
Commutation of rations, 1410–1425.
Noncommissioned Officers—Continued.
Certificates of appointment, 268, 289.
Corporals, 286–291.
Details—
For duty, 427–432.
On extra duty, 183–185.
Duties performed by roster, 425–432.
Extra duty, 183–185.
First sergeants, 288.
Fuel, 1110.
Indian scouts, 559.
Instruction, 285.
Lance corporals, 287.
Quarters, 1110.
Reduction to ranks, 291.
Reproof, 285.
Rooms, 1110.
Selection, 285–288.
Sergeants, 286–291.
Support, 285.
Warrants, 268, 289.
Noncommissioned Staff:
Artillery corps, 367.
Battalion, 268.
Post, 100–114.
Regimental, 268–269.
Squadron, 268.
Notebooks:
Marches, 522–526.
Notes:
Marches, 522–526.
Notification:
Discharge, 166.
Nurses:
Commutation of rations, 1410.
Employment of, 1661.
Rations, 1378.
Sales, 1426.
Oak wood:
Fuel standard, 1106.
Oath:
Courts of inquiry, A. W. 117.
Judge-advocate, A. W. 85.
Member of court, A. W. 84.
Office, 22.
Witness, 796; A. W. 92.
Oaths:
Administration, 796, 963.
Boards of survey, 795, 796.
Inspectors, 963.
Profane, A. W. 53.
Witnesses, 796; A. W. 92.
Obedience to Orders, 1.
Occasions of Ceremony:
Precedence, 6.
Office:
Oaths of, 22.
Officers:
See *Commissioned Officers.*
Offices:
Corn brooms, 1329, 1372.
Furniture, 1136, 1137.
Stationery, 1136, 1137.
Official Check Books, 687–689.
Official Letters:
See *Correspondence,* 837–855.
Official Tables of Distances, 1472, 1475.

Oil:
Mineral, 1116–1128, 1135.
Offering Violence to Superior, A. W. 21.
Oral Agreements, 627, 645–647.
Orders, 856–871.
Address, 861.
Affecting staff officers, 871.
Caption, 860.
Channels, 206, 865.
Classification, 856.
Contents, 860.
Conveyance, 862, 863.
Copies to Adjutant-General, 869–871.
Directing travel, 77–84, 1477–1481.
Disobedience, A. W. 21.
Distribution, 866–868.
Execution, 861.
Form, 856–860.
Furnishing to Adjutant-General, 869, 870.
General, 856, 857, 859.
Inspectors, 966.
Obedience to, 1.
Printed, 866.
Publication, 868.
Special, 856–858.
Travel allowances, 77–84, 864, 1477–1481,
Orders of Superior:
Expenditures of—
Money, 737.
Property, 777–778.
Ordinary Leaves of Absence, 54–71.
Change to sick leave, 76.
Ordnance Department, 1694–1740.
Accountability, 1694, 1734.
Advertising, 578–587.
Ammunition, 417, 418, 422, 1713–1716.
Blank forms, 1736.
Boards, 824.
Changes of station, 822, 823.
Civilian employees, 808–820.
Clothing for enlisted men, 1294, 1300.
Depots, 1698–1700.
Duties, 1694.
Expenditures of ammunition, 1713–1716.
Experimental trials, 1738–1740.
Fortifications, 379–381, 383, 384, 392.
Inspection of supplies, 1726–1728.
Inspections, 968, 971, 974–976.
Issues, 47, 379–381, 383, 384, 392, 1695–1712.
Money accountability, 658–738.
Packing, 1729–1733.
Purchases, 593–657.
Records, 1735.
Reports, 1734.
Requisitions, 1700, 1701, 1736.
Returns, 1694.
Sales, 1704–1706, 1711.
Surplus stores, 1717–1725.
Tests, 1738–1740.
Transportation, 1729–1733.
Ordnance Depots, 1698–1700.
Ordnance Establishments:
Inspections, 968, 971, 974–976.
Visits, 1740.
Ordnance Sergeants:
Appointment, 100–103.
Duties, 107–109.
Ordnance Sergeants—Continued.
Examination, 103–105.
Qualifications, 100–105.
Rank, 9.
Selection, 100–103.
Stations, 106, 107.
Ordnance Stores:
Ammunition, 1713–1716.
Arm chests, 1725.
Canteens, 1719, 1720.
Care, 1737.
Charges, 1712, 1724.
Civilians, 1711.
Civilian employees, 1710, 1712.
Colleges, issues to, 47.
Damaged stores, 1718–1721, 1723.
Definition, 1695.
Depots, 1698–1700.
Fortifications, 379–381, 383. 384.
Indians, 1709.
Inspection, 1726–1728.
Issues, 1695–1703, 1708–1710.
Loans, 1707.
Loss, 1712.
Packing, 1729–1733.
Preservation, 1737.
Price lists, 1724.
Repairs, 1721, 1722.
Requisitions, 1700–1703.
Returns, 1694, 1734.
Sales, 1704–1706, 1711.
Surplus stores, 1717–1723.
Transfers, 1695–1703, 1708–1710, 1717, 1718, 1723.
Original Bills of Lading, 1256, 1265, 1274–1279.
Opinion of Court of Inquiry, A. W. 119.
Outside Illumination, 1120.
Outstanding Checks, 682–686.
Overpayments, 1590, 1569.
Paper:
Stationery, 1136–1140.
Toilet, 1403.
Paper Folders, 1137.
Parade:
Ceremony, 443, 445, 511.
Failing to repair to place of, A. W. 33.
Pardon, A. W. 112.
Parent:
Consent for enlistment, 927.
Park:
For small-arms practice, 421.
Parlor cars, 1232–1240.
Partnerships:
Contracts of, 630.
Passageways:
Illumination, 1120.
Passports, 67.
Patriotic airs, 279.
Pay:
Certificate of merit, 196–199.
Extra duty, 181–190.
Indian scouts, 558.
Retired enlisted men, 149.
Pay Department:
Allotments, 1531–1544.
Boards, 824.
Bonds, 650–657.
Cadets, 1501.

Pay Department—Continued.
Certificates of deposit, 693.
Certificate of merit, 1546.
Changes of station, 822, 823.
Checks, payments by, 1503–1522.
Chief paymasters, 1443.
Clerks, 818, 820.
Collections, 693, 1435–1437.
Command, 17, 18.
Commissioned officers, 1445–1500.
Commutation of quarters, 1489–1496.
Computation of time, 1462.
Contract surgeons, 1459.
Credit sales, 1427, 1431, 1435–1437.
Currency payments, 1503–1522.
Deductions, 1545.
Deposits, 1547–1555.
Deserters, 1556–1558.
Discharged soldiers, 1559–1566.
Dismissed officer, 1460.
Duties, 1442–1444.
Enlisted men, 1502–1566.
Extra pay, 1448–1454.
Foreign service, 1449.
Forfeitures, 1545.
Higher grade, 1448, 1463.
Longevity, 1461.
Mounted pay, 1450–1452.
Notification of discharge, 160.
Overpayments, 1569.
Payments, 1445–1569.
Cadets, 1501.
Commissioned officers, 1445–1500.
Enlisted men, 1502–1569.
Troops, 1502–1530.
Pay rolls, 872–875.
Receipts, 1568, 1569.
Reenlistment, 1528–1530.
Resignation, 1456, 1457.
Retirement, 1458.
Sea travel, pay for, 1473, 1562.
Soldiers' Home, 1545.
Staff appointments, 1453, 1454.
Stoppages, 1497–1500, 1545, 1568.
Tables of distances, 1472, 1475.
Time, computation of, 1462.
Travel allowaces, 1472–1488, 1559–1566.

Payees:
Identification of, 727.

Paymaster-General:
Duties.
Tables of distances, 1472, 1475.

Paymasters' Clerks:
Changes of station, 820.
Travel allowances, 818.

Payments:
Absent officers, 1464–1471.
Actual expenses, 1473.
Allotments, 1531–1544.
Bills of lading, 1266, 1267, 1273, 1279, 1281–1285.
By check to enlisted men, 1502–1527.
By currency to enlisted men, 1502–1527.
Cadets, 1501.
Checks, 1503–1522.
Commissioned officers, 1445–1500.
Commutation of quarters, 1489–1496.
Commutation of rations, 1410–1425.

Payments—Continued.
Currency, 1503–1522.
Discharged soldiers, 1559–1566.
Enlisted men, 1502–1566.
Furloughed enlisted men, 124.
Leave of absence, 1464–1471.
Officers, 1445–1500.
On order of superior, 735.
Posts, 1503–1522.
Retired enlisted men, 149.
Retired officers, 1458.
Savings to troops, 1407–1410.
Telegrams, 1333–1341.
Travel allowances, 1472–1488.
Troops, 1502–1530.

Payments to Troops:
Absence of company, 1521.
Alaska, 1504.
Certificates of merit, 1546.
Check, 1503–1522.
Company commander, 1512.
Correction of errors, 1507.
Currency, 1503–1522.
Death of soldier, 1520.
Declining to receive, 1522.
Deductions, 1545.
Deposits, 1523, 1547–1556.
Desertion of soldier, 1520.
Envelopes, 1503, 1509, 1510, 1513.
Express, 1503, 1508, 1510–1512.
Forfeitures, 1545.
Frequency, 1502.
How made, 1502, 1503, 1524–1527.
Monthly, 1502.
Pay rolls, 1505, 1507, 1513–1521.
Philippine Islands, 1504.
Posts, 1503–1522.
Stoppages, 1568.
Witnessing, 1513–1515, 1519, 1520.

Pay Rolls, 872–875.

Pay Rolls, Enlisted Men:
Alterations, 875.
Calculations, 1506.
Computations, 1506.
Corrections, 875.
Deductions, 1545.
Designation of companies, 874.
Disposition, 872.
Entries, 872, 873.
Forwarding, 1507.
Payments, 1503–1522.
Preparation, 872.
Return, 1516.
Signatures, 872, 1505.

Pecuniary Responsibility of Officers, 735, 736
For orders to purchase, etc, 735.
For facts certified to, 736

Penalty Envelopes:
Contents, 905.
Foreign mail, 911.
Sending packages in, 909.
Use, 906–909.

Penitentiary:
Change in designation, 1041.
Confinement in, 1041, 1042; A. W. 97.
Sentences to, 1041, 1042.
United States, 1042.

Pension Records, 1752–1755.
Periodicals for Libraries, 341.
Personal Favor:
Efforts to secure, 5.
Personal Reports, 68, 69, 74–76, 108, 112, 148, 895–898, 958, 1593, 1743.
Absent officers, 897.
Aids, 892.
Arrival at Washington, 895.
Detached officers, 898.
Efficiency, 900–905.
General officers, 892.
Individual service, 599.
Regular officers, 897.
Volunteer officers, 897, 898.
Personal Salutes:
See *Salutes,* 449, 479.
Personal Services:
Procurement of, 596.
Persuading to Desert, A. W. 51.
Philippine Islands:
Payments to troops in, 1504.
Physical Examination:
Civil appointees, 33, 35.
Enlisted men, 28.
Officers for promotion, 23, 24.
Recruits, 939–947.
Pillaging, A. W. 42.
Pillows, 1087.
Pickax Handles, 1323.
Plans:
Deposit of, 739.
Platoon:
Quitting without leave, A. W. 40.
Pleas, A. W. 89.
Plunder, A. W. 42.
Ponchos:
Rubber, 1758.
Posse Comitatus:
Troops not to be used as, 565.
Post Bakeries, 335–340, 1108.
Bakers, 183, 336, 337, 339.
Bread, baking of, 335, 340.
Expenses, 338.
Extra pay to bakers, 337.
Fuel, 335.
Inspections, 339.
Supervision, 335.
Post Cemeteries:
Embellishment, 573, 575.
Establishment, 572, 573, 575.
Graves, 574, 577.
Headboards, 574.
Inclosure, 573.
Interments, 572, 574–577.
Marking graves, 574.
Records, 576.
Repairs, 573.
Reports, 577.
Walks, 575.
Post Commanders (see *Commanding Officers*):
Abstracts of issues, 1406.
Clothing estimates, 1288.
Duties, 218–220, 222–226, 229, 829–832.
Estimates, 1288.
Expenditures, 222–225.
Inspections, 218, 219.
Post Commanders—Continued.
Leaves of absence by, 54.
Leaves of absence to, 55.
Observance of Sabbath, 220.
Records, 227.
Sales of subsistence, 1433.
Staff, 221.
Summary court, 1032.
Supervision of estimates, 829–832.
Telegraphic code, 1332.
Post Commissary Sergeants:
Appointment, 100–103.
Duties, 108, 109.
Examination, 103–105.
Qualifications, 100–105.
Selection, 100–103.
Stations, 107.
Post Councils, 317–323.
Post Exchanges:
Beer, sale forbidden, 365.
Councils, 317–323.
Intoxicating liquors, sale forbidden, 365.
Quartermaster-sergeants, 9, 100–114.
Regulations, 363.
Reports, 363.
Sales, 365.
Wine, sales forbidden, 365.
Post Gardens:
Cultivation, 352, 354.
Distribution of products, 354.
Seeds, 353.
Post Libraries:
Books, 341–348.
Fuel, 351, 1110.
Inspections, 347.
Lights, 117.
Newspapers, 341.
Periodicals, 341.
Purposes, 341.
Returns, 342.
Rooms, 341.
Post Noncommissioned Staff, 100–114.
Appointment, 100–103, 110.
Control, 111.
Discharge, 114.
Duties, 107–109, 110.
Examination, 103–105, 110.
Furloughs, 119.
Qualifications, 100–105, 110.
Reduction, 114.
Reenlistment, 113.
Reports, 112.
Selection, 100–103, 110.
Stations, 106, 107, 110.
Post Quartermaster Sergeants:
Appointment, 100–103.
Duties, 108, 109.
Examination, 103–105.
Qualifications, 100–105.
Selection, 100–103.
Stations, 107.
Post Recruiting, 953.
Post Returns, A. W. 7.
Post Schools:
Attendance, 355, 360.
Books, 355.
Children, 360, 361.

Post Schools—Continued.
Inspection, 359.
Instruction, 355, 362.
Punishments, 362.
Rules, 362.
Supervision, 335, 358, 362.
Posts (see *Military Posts*), 216–230.
Books, 307.
Clothing, estimates, and issues, 1280–1330.
Discontinued, records of, 891.
Examination of recruits at, 946.
Hospital Corps, allowance, 1605–1607.
Hygiene, 1571.
Inspections of, 967, 974–976.
Medical attendance, 1653–1655.
Medical officer, duties, 1571.
Quartermaster-sergeants, 100–114.
Records, 227.
Returns, A. W. 7.
Pouches:
Bands, 1312.
Power Plants, 372, 389.
Precedence:
Officers, 9, 10, 11, 12.
Regiments and corps, 6.
Precedence on Occasions of Ceremony:
Artillery, 6.
Cavalry, 6.
Dismounted cavalry, 6.
Engineers, 6.
Hospital corps, 6
Infantry, 6.
Signal corps, 6.
Presentation of False Claims, A. W. 60.
President:
Applications for troops, 566.
Certificates of merit, 196.
Clothing allowance for enlisted men, 1286.
Color, 234.
Commutation of sentences, 1017.
Disrespectful words against, A. W. 19.
Duties of Engineer Corps, 1677.
Employment of troops, 567.
Escorts, 488.
Examinations for staff details, 36.
Flag, 233.
Funeral honors, 489.
Honors to, 449.
Medals of honor, 195.
Orders to Army, 206.
Pardons, 1017.
Ration, components, 1350.
Review of court-martial cases, 979.
Salutes, 467.
Territorial departments, 207.
President of Court-Martial, 1020.
President of Senate:
Honors to, 450.
Salutes to, 468.
Previous Convictions, 1030, 1031, 1038.
Price Lists:
Clothing, 1286.
Subsistence, 1439.
Ordnance, 1724.
Principal Musician, 273, 274.
Appointment, 275.
Rank, 9.
Printing, 588–592.
Prisoners:
Abatement in term, 1016.
Awaiting sentence, 1004.
Awaiting trial, 1004.
Clothing, 1013, 1317, 1318.
Confinement, 1008, 1011–1017.
Designation, 1004.
Effects, 1014.
Food, 3, 14.
Forwarding, 1012.
General, 1004, 1011–1017.
Good time, allowance, 1016.
Pardons, 1017.
Place of confinement, 1011.
Refusal to receive, A. W. 67.
Release, 1017, A. W. 69.
Reports of, A. W. 68.
Restraints on, 1010.
Rewards for, 139.
Prisoners of War:
Allotments of, 1539.
Indian, 556.
Rations, 1378.
Private Horses, 1178–1182.
Purchase, 1178.
Shoeing, 1181.
Transportation, 1182.
Private Property Lost, 807.
Privileges:
Withholding, 1027.
Proceeds of Sales:
Application, 696.
Deposit, 696–698.
Exceptions, 696.
Transfers, 698.
Profane Oaths, A. W. 53.
Professional Books and Papers, 1243–1245.
Promotions:
By seniority, 23.
Enlisted men, 26–33.
In line, 24.
In staff, 23.
Property (see *Public Property*), 739–807.
Accountability, 1163–1165, 1346, 1347.
Captured, 889; A. W. 9.
Certificates, 1169.
Company, 309.
Condition, 1177.
Damage to, 783, 784, 1169.
Deficiency in, 783, 784, 1169.
Embezzlement, A. W. 60.
Inspections of, 979–990.
Marking, 270, 309.
Regimental, 270.
Used by guards, 519–521.
Property Accountability:
Accounts, 774, 781–784.
Administrative examination, 783, 784.
Enlisted men, 776, 780.
Examination of accounts, 783, 784.
Expenditures, 777–779.
By order, 778.
Methods of accounting, 774, 781–784.
Orders of superior, 778.
Rendition of returns, 774, 781–784.
Returns, 774, 781–784.

Property Accountability—Continued.
Separate returns, 775.
Unauthorized expenditures, 777.
Vouchers, 777, 778.
Proposals:
Abstracts, 617, 619, 625.
Bonds, 611, 613, 650–657.
Erasures, 610.
Forms, 608–610.
Guaranties, 611–613, 650–657.
Information to bidders, 603–606.
Interlineations, 616.
Numbers, 609.
Opening, 615–617.
Preparation, 607–610.
Prices, 609.
Reading, 617.
Rejection, 621.
Rewards, 619, 625.
Submission, 607–616.
Withdrawal, 616.
Prosecution:
Judge-advocate to carry on, A. W. 90.
Limitation on, A. W. 103.
Provisions:
Violence to persons bringing in, A. W. 56.
Provost-Marshal:
Refusal to receive prisoner, A. W. 67.
Public Animals:
Artillery horses, 1141, 1143, 1149.
Assignment, 1149.
Branding, 1145.
Cavalry horses, 1141, 1142, 1149.
Condemned, 1150.
Descriptive book, 1147.
Descriptive lists, 1146–1148.
Forage allowance, 1154–1157, 1162.
Purchases, 1141.
Use, 11.
Salt, 1403.
Vinegar, 1403.
Publications:
Restrictions on, 5.
Public Health:
Enforcement of, 564.
Public Lands:
Inclosures of, 564.
Public Moneys:
Accounts current, 708–712.
Application of, 658.
Appropriations, 699–707.
Betting at cards, 672.
Check books, 687–689.
Checks, 678–686.
Cover in of, 668.
Certificates of deposit, 690–695.
Deposits, 659–667, 673, 674.
Embezzlement, A. W. 60.
Gambling, 672.
Insurance prohibited, 675.
Interest in purchases, 669, 670.
Fiscal year, 699–707.
Offenses in connection with, 669–672.
Personal possession, when authorized, 665, 666.
Proceeds of sales, 696–698.
Sharing in profits, 671.
Transfers, 676, 677.
Vouchers, 713–734.
Public Property:
Absence of officer, 741, 742.
Accountability, 739, 774–784.
Blank receipts, 752.
Boards of survey, 750, 751, 760, 761, 763–773, 779, 790–807.
Branding, 758.
Bureau transfers, 753.
Commanding officer, responsibility, 740.
Company commander, 739, 743–746.
Condemned, 761.
Damaged, 763–773, 779, 780.
Destroyed, 763–773, 779, 780.
Detachment commander, 739, 743–746.
Detachment of officer, 741, 742.
Enlisted men, 747, 755, 766–768, 776, 780.
Issues and transfers, 747–755.
Keys of storerooms, 756.
Lands, 785–789.
Loans, 754, 759.
Lost, 763–767, 779, 780.
Marking, 758.
Receipt of, 750, 751.
Receipts in blank, 752.
Receipts for, 747–752.
Recovery of, 770–773.
Reduction in price, 762.
Repairs to, 757.
Responsibility for, 739.
Rewards, 770–773.
Sale, 761.
Stolen, 770–773.
Storerooms, 756.
Supervision of issues 755.
Surveying expeditions, 754.
Temporary absence, 740–743.
Temporary command, 740, 748.
Transfers, 747–751.
Unserviceable, 790.
Use, 759.
Worn-out, 760, 779.
Public Works:
Control.
Inspection, 968, 974–976.
Travel allowances, 1480.
Punishment Order, 1038, 1039.
Punishments:
Branding, A. W. 98.
Conformable to law, 2.
Disciplinary, 1027.
Marking, A. W. 98.
Order, 1038, 1039.
Restrictions on, 1038.
Tattooing, A. W. 98.
Purchases:
Advertising, 578–587, 598–602.
Authority for, 593, 597.
Bonds, bidders, 611–613, 650–657.
Contractors, 638–644, 650–657.
Contingent funds, 215.
Contracts, 627–644.
Foreign, 595.
General requirements, 593–597.
Guaranties, 611–613, 650–657.
Indians, 557, 647.
Marking, 649.
Methods, 627–637.

Purchases—Continued.
Notice, 596.
Oral agreements, 645–647.
Personal services, 590.
Proposals, 603–626.
Responsibility for, 567.
Reports of, 648.
Where made, 595, 596.
Quartermaster-General:
Newspapers for libraries, 341.
Requests for transportation of remains, 95.
Quartermaster's Department:
Accountability for property, 739–807, 1165–1167.
Advertising, 578–587.
Allowances—
Animals, 1154–1162.
Barracks and quarters, 1080–1100, 1110.
Baggage, 1224, 1241–1245.
Barrack chairs, 1086.
Bedding, 1161, 1162.
Electric light, 1129–1135.
Forage, 1154–1162.
Fuel, 1101–1115.
Gas, 1129–1135.
Horses, 1154–1162, 1182.
Quarters, 1080–1111.
Rooms, 1099, 1110, 1111.
Stationery, 1136–1140.
Stoves, 1101–1115.
Straw, 1154–1162.
Transportation, 1224, 1241–1245.
Animals, 1141–1150.
Baggage, 1224, 1241–1245.
Barracks and quarters, 1080–1111.
Battle ground cemeteries, 570, 571.
Boards, 824.
Bonds, 650–657.
Buildings, 786–789, 1080–1087.
Bills of lading, 1206–1285.
Bond-aided railroads, 1284, 1285.
Brooms, 1328, 1329.
Brushes, 1328.
Cemeteries, 569–577.
Changes of station, 822, 823.
Civilian employees, 808–820.
Clothing and equipage, 1286–1330.
Command of officers, 17.
Corn brooms, 1328, 1329.
Depots, 208, 209.
Duties, 1076–1079.
Electric light, 1129–1135.
Evacuated posts, 230.
Forage, 1154–1162.
Fortifications, supplies for, 385.
Fuel, 1101–1115.
Gas, 1129–1135.
Horses—
Private, 1178–1182.
Public, 1141–1150.
Horseshoeing, 1181.
Illuminating supplies, 1116–1135.
Inspections, 968–971, 974–976, 1080, 1082.
Land-grant railroads, 1284, 1285.
National cemeteries, 569.
Property accountability, 1163–1177.
Private horses, 1178–1182.
Public animals, 1141–1150.
Quartermaster's Department—Continued.
Purchases, 593–657.
Records, 1343–1345.
Regimental quartermasters, 260, 261, 265–267.
Reports, 1345–1350.
Returns, 1345–1350.
Rooms, 1099, 1110, 1111.
Scrubbing brushes, 1328.
Smiths' tools, 1181.
Stoves, 1101–1115.
Straw, 1154–1162.
Telegraphing, 1331–1341.
Telephoning, 1342.
Transportation, 1183–1285.
Veterinary medicines, 1151–1153.
Quartermaster Sergeants:
Post, 9, 100–114.
Regimental, 9, 268.
Quartermaster Stores, 1163–1169.
Accountability for, 1163–1165.
Certificates, 1169.
Changes of station, 1168.
Memorandum receipts, 1166–1169.
Purchases, 593–657.
Responsibility, 1166–1169.
Temporary absence, 1167.
Quartermaster Supplies, 1346, 1347.
Quarters, 1080–1087.
Absence, 1096–1098, 1100.
Accounts of expenditures on, 1084.
Allotment, 1080, 1088–1100.
Allowance, 1088–1100, 1110, 1111.
Annual inspection, 1082.
Appropriations for, 1091.
Assignment, 1088–1100.
Behavior in, A. W. 55.
Benches, 1087.
Buildings, 1084.
Bunks, 1087.
Chaplain, 1095.
Chairs, 1086, 1087.
China, 1087.
Commutation, 1489–1496.
Damages to, 1080, 1081.
Expenditures, 1084.
Glassware, 1087.
Hiring, 1092, 1093.
Inspection, 1080, 1082, 1083.
Lockers, 1085.
Lying out of, A. W. 31.
Mattresses, 1087.
Mess outfits, 1087.
Mess rooms, 1099.
Numbering, 1084.
Restrictions, 1092, 1096–1100.
Right to, 1096.
Selection, 1090.
Vacated, 1080.
Veterinarians', 207.
Quarrels:
Suppression, A. W. 24.
Quitting Guard, etc., A. W. 40.
Railway Trains:
Hospital, 1622.
Range Finders, 369, 370, 388–393.
Rank:
Commands appropriate to, 14.

Rank—Continued.
Definition, 7.
Grades, 9.
How held, 8.
Lineal, 9, 12.
Lot to determine, 11.
Militia, 10; A. W. 123.
Precedence, how determined, 10, 11.
Relative, in Army and Navy, 12.
Volunteers, 10, 11.
Rape:
Assault and battery with intent to commit, A. W. 58.
In time of war, A. W. 58.
Rations:
Adjustment of charges, 1357.
Allowances, 1378, 1379.
Candles, 1380, 1385.
Civil employees, 1378, 1398.
Coffee, 1338.
Commutation of, 1410–1425.
Components, 1350.
Definition, 1372.
Emergency, 1377, 1382.
Field, 1377, 1380.
Fresh meat, 1376, 1380, 1383
Garrison, 1377, 1380.
General mess, 1402.
Hospital, 1391–1397.
Issues, 1357–1360, 1389–1402.
Liquid coffee, 1388.
Marines, 1379.
Matrons, 1378.
Navy, 1379.
Nurse corps, 1378.
Nurses, 1378.
Prisoners—
General, 1378.
Of war, 1378.
Salt meat, 1350.
Savings, 1407–1409.
Seamen of Navy, 1379.
Transports, 1381.
Travel, 1377, 1380, 1386.
Troops, 1377.
Vegetables, 1380, 1384.
Razors, 1404.
Strops, 1404.
Receipts:
Blank, forbidden, 718, 752.
Of funds, 720, 721.
Memorandum, 1166–1169.
Reading Rooms (see *Post Libraries*), 341–351.
Lights for, 1118, 1129.
Rear-Admiral:
Relative rank, 12.
Rebellion:
Suppression of, 564.
Reconnoissances:
Command and direction of, 19.
Journals, 523.
Maps, 522–526.
Notes, 522–526.
Record and Pension Office, 1752–1755.
Archives, 1752–1755.
Command of officers, 17.
Disbanded organizations, 1754.
Record and Pension Office—Continued.
Duties, 1752–1755.
Muster rolls, 1753.
Records, 1752–1755.
Returns, 1752–1755.
Records:
Archives, 890, 891.
Books, 227.
Colored inks in, 892.
Company, 294, 295.
Courts-martial, A. W. 113.
Destruction of, 893.
Discontinued commands, 891.
Disposition, 891.
Information from, 894.
Inks used in, 893.
Post, 227.
Preservation, 890, 891.
Volunteers, 1752–1755.
Regimental, 271, 272.
Willful destruction, etc., 893.
Withdrawal, 893.
Records of Courts-Martial:
Authentication, 1055.
Correction, 106.
Copies, 993; A. W. 114.
Disposition, 993, 1057, 1058; A. W. 113.
Errors, 1061.
General courts, 1055–1061.
Judge-advocates, 1055, 1057.
Inferior courts, 1055, 1057, 1058.
Publication, 1060.
Review, 1057.
Revision, 1061.
Signatures, 1055.
Summary courts, 1030–1036.
Typewritten, 1056.
Recruiting Details, 913, 914.
Recruiting Officers:
Funds in personal possession, 665.
Recruiting Service, 912–955.
Classification, 912, 953–955.
Commutation of rations, 665, 1411–1415.
Control, 833.
Departmental, 953.
Details, 913, 914.
Enlistments, 921–938.
Funds, 665.
General, 912.
Medical attendance, 1663, 1664.
Medical examination, 939–947, 1662.
Physical examination, 939–947, 1002.
Post, 954.
Recruiting rendezvous, 915–920.
Recruits sent to regiments, 948–952.
Regimental, 955.
Rendezvous, 915–920.
Returns, 931.
Special, 912.
Stations, 915–920.
Recruits:
Age, 921, 923.
Applications to enlist, 921, 922, 936–938.
Assignments, 948.
Articles of War read to, 930.
Clothing, 1293.
Consent of parents, 927.

Recruits—Continued.
Contract, 929.
Declaration, 927.
Disqualification, 923.
Enlistment, 921–938.
Examination, 939–947.
False representations, 928.
Guardian, consent, 927.
Hospital Corps, 1597, 1598.
Laundry work for, 1316.
Married men, 926.
Medical inspection, 939–947, 1662.
Minor, 927.
Oath, 929.
Ordnance, issues to, 1720.
Parental consent, 927.
Physical examination, 939–947.
Prohibition to enlist, 923.
Qualifications, 921–923.
Sent to regiments, 948–952.
Red Cross:
Flag, 238.
Redress of Wrongs:
Commissioned officers, A. W. 29.
Enlisted men, A. W. 30.
Reduction:
Post noncommissioned staff, 114.
Reenlistment, 934–938.
Pay, 1528–1530.
Post noncommissioned staff, 113.
Refusal to Receive Prisoner, A. W. 67.
Regimental Adjutant, 260–264.
Appointment, 260.
Company duty, 267.
Duties, 263–265, 267, 277.
Eligibility, 260, 261.
Form of office, 261.
Regimental Bands, 273–279.
See *Bands.*
Regimental Commander:
Battle reports, 885.
Command, 254.
Duties, 256–258, 268.
Headquarters, 254.
Noncommissioned staff, 268, 269.
Staff, 260–267.
Records, 271, 272.
Station, 254.
Regimental Commissary:
Appointment, 260, 261.
Duties, 265, 266, 267.
Eligibility, 260, 261.
Term of office, 261.
Regimental Courts, A. W. 81.
Jurisdiction, 30, A. W. 83.
Regimental Field Officers, 259.
Regimental Funds, 326.
Purchases, 324, 325.
Restrictions on expenditure, 324, 325.
Transportation for purchases from, 1255.
Regimental Noncommissioned Staff:
Allowances, 1110.
Appointment, 268.
Color-sergeants, 268.
Commissary-sergeants, 268, 269.
Quartermaster-sergeants, 268.
Rank, 9
Regimental Noncommissioned Staff—Continued.
Reduction, 268.
Warrants, 268.
Regimental Quartermaster:
Appointment, 260, 261.
Duties, 265, 266, 267, 277.
Eligibility, 260, 261.
Term of office, 261.
Regimental Quartermaster-Sergeants, 9, 268.
Regimental Recruiting, 955.
Regimental Records, 271, 272.
Regimental Staff, 260–269.
Regiments:
Adjutant, 260–264.
Administration unit, 254.
Bands, 273–279.
Battalions, 253, 254.
Battle reports, 885.
Colors, 239–252.
Commander, 254, 256.
Commissary, 260–262, 265, 266.
Companies, 254.
Composition, 254.
Definition, 254.
Field officers, 259.
Flags, 239–252.
Headquarters, 254.
Instruction, 257, 258.
Marking of property, 270.
Noncommissioned staff, 269.
Organization, 254.
Precedence, 6.
Property, 270.
Quartermaster, 260–262, 265, 266.
Records, 271, 272.
Recruiting service, 955.
Recruits sent to, 948–952.
Staff, 260–268.
Regular Army:
Precedence in, 10, 11.
Regulations:
Blank forms, 1761.
Reigning Sovereigns:
Honors to, 449.
Salutes to, 467, 470.
Relative Rank:
Army and Navy, 12.
Militia officers, 10.
Volunteer officers, 11.
Release of Prisoners, A. W. 69.
Remains:
Commissioned officers, 99.
Enlisted men, 180.
Removal of Trespassers, 228.
Renewal of Bonds, 650.
Repairs:
Buildings, 222–224, 788, 1080–1087.
Property, 757.
Service colors, 249.
Reporters:
Employment, 1062, 1063.
Pay, 1062, 1064.
Restriction on, 1064.
Reports:
Apprehended deserters, 130–134.
Arrival of recruits, 951.
Artillery inspector, 409.

Reports—Continued.
Artillery practice, 415.
Artillery school, 534.
Battles, engagements, etc., 884–889.
Bills of lading, 1348.
Bimonthly, of enlisted strength, 878.
Burials, post cemeteries, 577.
Captured property, 889.
Casualties, 887, 888.
Channels, 849.
Chaplain's, 50.
Death of officers, 93, 95.
Departmental affairs, 211.
Department commanders absent, 213.
Deserters, 130–134.
Efficiency, 899–905.
Engineering operations in the field, 1687.
Enlisted men confined, A. W. 68.
Enlisted strength, bimonthly, 878.
Examination of recruits, 947.
Extra and special duty, 1348.
Fortification, materials for repairs, 382–386, 388–392.
Hunting, 69, 70.
Indian scouts, names of, inserted, 562.
Individual, 894, 899.
Inspection, 972, 974–976.
Inspections, department commanders, 211, 401.
Medical Department, 1670.
Morning, of companies, 448.
Movements of troops, emergencies, 210, 566.
Officers on leave, 66, 68–74, 895–898.
Officers visiting foreign countries, 66.
Oral agreements, supplies and services, 645–647.
Ordnance, 1734.
Outstanding liabilities, 684, 1348.
Personal, 68, 69, 74–76, 108, 112, 148, 895–898, 958, 1593, 1743.
Persons and articles employed, etc., 1348.
Post commanders, inspection, 218.
Post exchanges, 364.
Post schools, 358.
Post cemeteries, 577.
Practical and theoretical instruction, 258.
Quartermaster's Department, 1348–1350.
Q. M. Department, preparation, etc., 1335.
Recruit detachments, 951.
Retired enlisted men, 148, 150.
Sick leave, 74.
Roll call, 443.
Service, 894.
Small-arms practice, 417.
Superintendents, national cemeteries, 569.
Transportation requests, 1338.
Travel under orders, 77.
Treatment of disease, and results, 172.
Reproachful Speeches, A. W. 25.
Requests for Transportation, 1201, 1203, 1208–1229.
Requisitions:
Clothing, 1296.
Illuminating supplies, 1127.
Preparation, 828, 829.
Supervision, 828, 829.
Reservations:
Embellishment, 229.
Removal of trespassers, 228.
Supervision, 228.
Resignations, 89–92.
Acceptance, 89, 92.
How forwarded, 89.
Immediate, 91.
Leaves of absence before acceptance, 91.
Pay on, 1456, 1457.
Quitting post on tender of, A. W. 49.
Tenders of, 89, 90; A. W. 49.
Unconditional, 91.
Under charges, 90.
Respect to Superiors, 4.
Responsible Officer, 739, 740, 1163–1169.
See *Property.*
Responsibility:
Property, 739, 740, 1163–1165.
Officers for certificates, 739.
Restoration to Duty:
Deserters, 143.
Retainers to Camp, A. W. 63.
Retired Enlisted Men:
Allowances, 149.
Deductions, 149.
Descriptive lists, 147, 150.
Double service, 146.
Final statements, 147.
Medical attendance, 1654.
Pay, 149.
Reports, 148, 150.
Retirement, 146, 147.
Service, computation of, 146.
Retired Officers:
College details, 43–47.
Pay, 1458.
Retirement, 85–88.
Stationery, 1138.
Uniform, 88.
Retired Pay:
Commissioned officers, 1458.
Enlisted men, 149.
Retiring Boards, 85–87.
Retirement of Officers, 85–88.
Causes, 85, 86.
Reports concerning, 85, 86.
Retiring boards, 85–87.
Retreat:
Retiring to quarters at, A. W. 35.
Roll call, 443, 445.
Returns:
Blank forms, 1761.
Captured property, 889.
Contingent funds, 215.
False, A. W. 8.
Ordnance, 1694.
Promptly forwarded, 828.
Quartermaster's Department, 1346–1350.
Subsistence Department, 1441.
Troops, 876–889.
Reveille:
Gun, 220.
Roll call, 443.
Reports, 443.
Reviews, 514.
Chaplain's, attendance, 51.
Civil functionary, 479.
General officer, 479.
Reviewing Authority, A. W. 104–111.
Review of Proceedings, 1031, 1032, 1057.

Rewards:
Deserters, 135, 137, 138, 143.
Prisoners, 139.
Property, 770–773.
Robbery:
In time of war, A. W. 58.
Roll Calls, 443.
Hours of, 446.
Reports, 445, 446.
Rolls, 872–875.
Rooms:
Allowance, 1110.
Roster:
Batteries, 436.
Classes of duties, 425, 426.
Cavalry, 434, 435.
Commissioned officer, 427–430.
Definition, 423.
Details, 424, 429–432.
How kept, 423–432.
Noncommissioned officers, 428.
Signal Corps, 437.
Rosters of Troops:
Distribution, 870.
Routes of Travel, 77, 1472, 1475, 1478.
Royal Families, Members of:
Honors to, 449.
Salutes to, 467, 470.
Rubber:
Pieces of, for desks, 1137.
Pouches, 1758.
Rulers, 1137.
Sabbath:
Observance of, 220.
Saddlers:
Appointment, 290, 292.
Extra-duty pay, 186.
Reduction, 290.
Safeguard:
Forcing, A. W. 57.
Sales:
Fuel, 1101–1107.
Illuminating supplies, 1125, 1126, 1130–1132.
Ordnance, 1704, 1705, 1709, 1711.
Proceeds, 696–698.
Savings, 1128.
Sales of Subsistence:
Abstracts, 1438.
Accounts, 1427–1439.
Allowance, 1426, 1428–1431, 1433, 1434.
Bakeries, 1428.
Civilian employees, 1430.
Commissioned officers, 1426, 1427, 1429–1431, 1435–1437.
Companies, 1428.
Credit, 1427, 1431, 1435–1437.
Designation of articles for, 964.
Enlisted men, 1428, 1429, 1431, 1434, 1436, 1437.
Families, 1426, 1434.
Hospitals, 1428.
Nurses, 1426.
Price lists, 1439.
Prices, 1439.
Rates, 1439.
Regulation, 1433.
Restrictions, 1433.
Weights, 1432.
Sales to Enlisted Men:
Fuel, 1103.
Subsistence, 1434.
Sales to Officers:
Fuel, —.
Horses, 1178.
Quartermaster stores, 1101, 1125, 1159.
Subsistence stores, 1426–1439.
Salt:
Extra issues, 1350, 1403.
Salutes:
Armed, 454, 455, 457, 458, 460.
By commissioned officers, 451, 453–455, 464.
Enlisted men, 456–463.
Cannon, 465–480.
Commanding officer, 453, 464.
Dismounted, 454, 456, 463.
Indoors, 455, 461, 463.
Militia, 463, 475.
Mounted, 454, 456.
Naval officers, 450, 463.
To officers, 449, 450, 453–463.
Troops, 449, 450, 451–453.
Under arms, 454, 455, 457, 458, 460, 463.
Working parties, 459.
Volunteers, 463, 475.
Salutes with Cannon:
Ambassadors, 468.
Assistant Secretary of War, 468.
Brevet rank, 472.
Brigadier-general, 471.
Cannon, 465–480.
Chargés d'affaires, 460.
Chief magistrates, 470.
Commanding officer, 453.
Congressional committee, 468.
Consul-general, 469.
Envoys, 469.
Fired, when, 465, 473.
Flag, 451, 465, 476–478, 480.
General, 471.
General officers, 471–474.
Governor, 468.
Governor-general, 468.
House of Representatives, Speaker, 468.
Lieutenant-general, 471.
Major-general commanding, 471.
Major-general, 471.
Ministers, 469.
National, 466.
National flag, 476, 477, 478, 480.
Naval officers, 475.
President, 467.
President of Senate, 468.
Restrictions on, 465, 473.
Retired officers, 474.
Royal family, 470.
Saluting stations.
Senate, President of, 468.
Ships of war, 477, 486.
Sovereign, 470.
Speaker, House of Representatives, 468.
Union, 466.
When fired, 465, 473, 480.
Vessels of war, 477, 486.
Vice-President, 468.
Saluting Stations, 478.

Savings:
Fuel, disposition, 1108.
Savings of the Ration, 1407–1409.
Articles accepted, 1407.
Companies, 1407–1409.
Disposition, 1407.
Hospital, 1407–1409.
Payment for, 1407–1409.
Purchase of, 1407–1409.
Rates, 1407.
Schools (see *Post Schools*), 355–362.
Electrician sergeants, 537.
Post, 355–362.
Service, 531–543.
War college, 530.
School Teachers:
Extra duty pay, 183.
Scissors, 1404.
Scouts, 558–562.
See *Indian Scouts.*
Seacoast Defenses, 366–406.
See *Fortifications.*
Seamen:
Issues of rations to, 1379.
Sea Travel, 1473, 1562.
Second in Command, A. W. 125.
Second Lieutenant:
Baggage, 1241–1245.
Command of, 14.
Fuel, 1110.
Horses, 1182.
Precedence, 10, 11.
Quarters, 1110.
Rank, 9.
Relative rank, 12.
Rooms, 1110.
Stationery.
Seconds in Duels, A. W. 27.
Second Trials, A. W. 102.
Secretary of War:
Accounts of expenditures for witnesses before civil courts, 84.
Advertising, 586.
Animals, purchase of, 1141.
Army transport service, 1193.
Articles for sales, 965.
Assignments, staff officers, 823.
Bands—
Artillery corps, 276.
Engineers, 276.
Boards of survey, 802.
Buildings, expenditures on, 788.
Certificates of merit, 196.
Certificates of service, 155.
Changes of station, civilian employees, 820.
Character on discharges, 162.
Chief of artillery, 366.
Civilian employees, 808, 810.
Allotments, 810.
Changes of station, 820.
Clemency, general prisoners, 1017.
Clerks and messengers, 809.
Colors, 236.
Colors, new, 249.
Flag, 235.
Communications to, 847
Trivial, 854.

Secretary of War—Continued.
Commutation of quarters, 1492.
Confinement, places of, 1011.
Contingent funds, 215.
Contracts, 631.
Correspondence respecting resignations, 90.
Correspondence with bureaus, 852.
Delays in obeying orders, 79.
Designation of posts for confinement 1011.
Details to staff, 36.
Disabled officers, 85.
Discharge of enlisted men, 151.
Distance tables, 1475.
Draft animals, 1183, 1184.
Draping colors, 508.
Engineer Corps, 1677, 1678.
Escort, 488.
Engineer school, 531.
Exchanges, 365.
Expenditures on buildings, 224.
Experimental tests, attendance, 1738–1740.
Extra duty, details of enlisted men of staff departments, 185.
Extra pay for higher command, 1448.
Fiscal affairs of Army, 205.
Flag, 235.
Funeral honors, 490, 499.
Furloughs, 117, 119, 120, 124.
Hiring quarters, 1092.
Honors, 450.
Horses, sales to officers, 1178.
Hospitals, 1645.
Incompetent officers, names of, 211.
Indian reservations, introduction of liquor, 550, 551.
Indians, purchases from, 557.
Insane, Government Hospital for, 544.
Inspections, 966, 968, 969, 983, 984, 989.
Inspectors, 957.
Job printing, 588–592.
Leave United States, permission to, 65.
Libraries at discontinued posts, 348.
Liquor, sales at exchanges, 365.
Manual for courts-martial, 1039.
Medals of honor, 195.
Medical boards, 1572, 1578.
Medical Department, 1570.
Medical inspections, 1671.
Messages on military lines, 1744.
Military Academy, 527.
Mounted pay, 1450, 1451.
Musters, 513.
Offices, renting, 1111.
Opinions, Judge-Advocate-General, 853.
Orders to Army, 206.
Ordnance Department, 1694.
Ordnance depots, 1698.
Ordnance sales, 1727.
Pay of Army, 1442.
Printing, 589.
Contracts for, 591.
Property accountability, 1163, 1169.
Delinquent officers, 1169.
Property returns, 784.
Purchases, reports of, 648.
Record and Pension Office, 1752–1755.
Recruiting service, 833, 912–955.

Secretary of War—Continued.
Recruits—
Assignment, 948.
Enlistment, 921–933.
Regimental staff, 260.
Reports of purchases, 648.
Reservations, 228.
Sales of ordnance, 1727.
Salutes, 468.
Sewing machines in prisons, 1404.
Signal Corps, 1741.
Small-arms practice, 416, 417.
Staff of departments, 214.
Staff officers—
Assignment, 823.
Changes of station, 822.
Stoppages, 1497–1500.
Subsistence of Army, 1351.
Sureties, 651, 653–656.
Tests of ordnance, attendance, 1738–1740.
Telegraph lines, 1744.
Transfers of officers, 53.
Trials of ordnance, 1735–1740.
Trivial communications, 504.
Transfers, enlisted men, 125.
Travel orders, staff officers, 81.
Veterinarians, 200.
Visits, 481.
Visits to fortifications, 402–406.
Visits to Washington to settle accounts, 83.
War college, 530.
Sedition, A. W. 20.
Repression, A. W. 23.
Seeds:
Posts, 229.
Post gardens, 354.
Reservations, 229.
Selection of Quarters, 1090.
Selection of Sergeants and Corporals, 285–288.
Senate, President of:
Honors to, 450.
Salutes to, 408.
Sentences:
Approval, 1031, 1032; A. W. 104–111.
Branding, A. W. 98.
Commencement, 1046.
Confinement, 1041–1045, 1047–1049.
Cumulative, 1049.
Death, A. W. 96.
Discretionary, 1039.
Dishonorable discharge, 1050.
Dismissal, A. W. 99.
Flogging, A. W. 98.
Forfeitures, 1046, 1048, 1052–1054, 1545.
Guard duty, forbidden, 1040.
Penitentiary, 1041–1042.
Publication, 1060; A. W. 100.
Sleeping on post, A. W. 39.
Suspension, A. W. 111.
Tattooing, A. W. 98.
When operative, 1046.
Separate Brigade:
Commander as convening authority, A. W. 13.
Courts-martial in, A. W. 73.
Discontinued, records of, 891.
Sequoia National Park:
Removal of trespassers, 564.
Sergeant-majors:
Appointment, 268.
Artillery corps, 368.
Rank, 9.
Reduction, 268.
Regimental, 268.
Warrants, 268.
Sergeants:
Appointment, 286, 288, 290.
Artillery corps, 368.
Rank, 9.
Reduction, 291.
Selection, 289.
Warrants, 289.
Servants:
Officers', sales of clothing to, 1322.
Not to wear uniform, 1322.
Service Colors, 244, 245.
Disposition, 249.
Repairs to, 249.
When used, 244.
Service of Hospitals:
Admissions, 1632, 1639.
Assignments in, 1629.
Charges, 1641.
Civilian employees, 1638, 1639.
Civilians, 1640.
Descriptive lists, 1632.
Discharged soldiers, 1633, 1634.
Gratuitous issues, 1636.
Hospital Corps, 1629.
Library, 1643.
Management, 1628.
Matrons, 1630.
Patients, 1631, 1632.
Publications, medical, 1643.
Surgeons, duties, 1628, 1637.
Service Schools, 531–543, 900–905.
Service Report:
Officers', 899.
Service:
Statements of, 1028.
Shelters:
Small-arms practice, 421.
Ships of War:
Salutes, 477, 486.
Visits, 482, 484–487.
Shoeing Animals, 1181.
Shoes:
Horse and mule, 1181.
Short Receipts, A. W. 60.
Sick:
Subsistence for, 1391–1397.
Sick Certificates, 72, 74.
Sick Leaves:
Applications for, 72.
Authority to grant, 73.
Certificate of surgeon, 72.
Change to, of ordinary leave, 73.
Commencement, 64.
Expiration, 74, 75.
Medical certificates, 72, 74.
Report of officer on, 75.
Sickness:
Certificates of, 72, 74, 76.
Leave on account of, 72–76.

Signal Department:
Advertising, 578–587.
Boards, 824.
Bonds, 650–657.
Changes of station, 822, 823.
Codes, 1741–1749.
Civilian employees, 808–820.
Clothing, 1294, 1300.
Command of officers, 17, 1743.
Duties, 821, 1741, 1743, 1744–1746.
Enlisted men, 1742.
Flag, 248.
Fortifications, supplies to, 356, 390.
Instruction, 1747.
Issues to, 1751.
Messages, 1744–1746.
Money accounts, 658–738.
Purchases, 593–657.
Supplies, 386, 390, 1750, 1751.
Telegraph lines, 1744–1746, 1748.
Telephones, 1741.
Signal Sergeant:
Rank, 9.
Signatures:
Communications, 841.
Sleepers, 1232–1240.
Sleeping Cars, 1232–1240.
Sleeping on Post, A. W. 39.
Small-Arms Practice:
Allowances, 418, 419.
Expenditure of ammunition, 418, 419, 422.
Flags, 421.
Flour, 421.
Hunting, 422.
Regulation, 416.
Records, 417.
Shelters, 421.
Streamers, 421.
Targets, 421.
Smiths' Tools, 1181.
Soap:
Issue for prisoners, 1404.
Shaving, 1404.
Society Badges, 1760.
Soldiers' Home:
Admissions, 191–194.
Deductions for, 1545.
Service for entrance, 191.
Transportation to, 193.
Southern Pacific Railroad:
Transportation by, 564.
Sovereigns, Reigning:
Honors to, 449.
Salutes to, 467, 470.
Spanish-American War:
Badges of societies, 1760.
Speaker of House of Representatives:
Honors to, 450.
Salutes to, 465.
Special Diet:
Sick and convalescents, 1392.
Special Orders, 556–565.
Contents, 556, 558.
Copies to Adjutant-General, 569–571.
Distribution, 566, 567.
Execution, 561.
Special Passports, 67.
Specifications, 1027–1031.
See *Charges.*
Spoliation of Records, 893.
Spies:
Punishment of, sec. 1343, R. S.
Spring Wagons at Posts:
Allowance, 1187.
Squadrons (see *Battalions*), 253.
Battle reports, 855.
Squads, 297.
Stables:
Lanterns, 1121.
Staff:
Appointments, 36–42, 1453, 1455.
Boards in, 824.
Changes of station, 522, 523.
Department, 214.
Details to, 36–42.
Efficiency reports, 900–905.
Orders for travel, 81.
Post, 221.
Promotions in, 23.
Regimental, 260–267.
Service reports, 899.
Staff Administration:
Assignments, 523.
Boards, 824.
Bonds, 650–657.
Changes of station, 822.
Communications, 825.
Control, 826.
Convening boards, 824.
Correspondence, 825.
Estimates, 826, 828–832.
Expenditures, 821, 832.
Money accountability, 658–738.
Pay of Army, 821.
Property accountability, 739–807.
Purchases, 593–651.
Recruitment, 821.
Reports, 827.
Stations of officers, 822
Supervision of estimates, 826–832.
Supply, 821.
Staff Appointments, 36–42.
Pay, 1453, 1454.
Staff Departments:
Adjutant-General's, 833–955.
Administration, 821–832.
Details in, 36–42.
Inquiries, 1677-1693.
Inspector-General's, 956–990.
Judge-Advocate-General's, 991–1075.
Medical, 1570–1670.
Ordnance, 1694–1740.
Pay, 1442–1569.
Quartermaster's, 1076–1350.
Record and Pension, 1752-1755.
Signal, 1741–1751.
Subsistence, 1351–1441.
Staff Details, 36–42.
Term, 261.
Staff Officers:
Appointment, 36–42.
Assignments to command, 17.
Command, 17.
Details, 36–42, 261.

Staff Officers—Continued.
Individual service reports, 899.
Efficiency reports, 900–905.
Standing Mute, A. W. 89.
State Department:
Passports, 67.
Stated Musters, 513–515.
Stated Inspections, 514.
Stated Reviews, 514.
Statements of Service, 1028.
Stationery:
Allowance of, 1136–1140.
Courts, 1140.
Desks, 1127.
Enlisted men, 1139.
Offices, 1137.
Officer's, 1136, 1138.
Retired officers, 1138.
Statute of Limitation:
General, A. W. 103.
In desertion, A. W. 103
Steamers:
Hospital, 1622.
Steel Erasers, 1137.
Stenographers, 1062, 1063.
Stoppage Circular, 1499.
Stoppages of Pay, Officers:
By whom directed, 1498, 1499.
Cause, 1498.
Circulars, 1499.
Explanations, 1497.
Notification, 1497.
Order of payment, 1568.
Overpayments, 1500.
Payments during, 1499.
Refundments, 1497.
Stores:
Captured, A. W. 9.
Loss or damage, A. W. 15.
Straw:
Allowance, 1162.
Subpœnas:
By whom served, 1023.
How served, 1024.
Witnesses, 1023–1025.
Subsistence Department:
Abstracts of issues, 1406.
Accounts, 1441.
Army transports, 1196.
Articles for sales, 964.
Blank forms, 1440.
Brooms, 1372.
Care of supplies, 1355–1363, 1373–1375.
Chief commissaries, 1353.
Civilian employees, 808–820.
Coffee, liquid, 1388.
Command of officers, 17.
Commutation of rations, 1410–1425.
Corn brooms, 1372.
Deficiencies, 1370, 1371.
Designation of articles for sale, 964.
Duties, 1351–1354.
Estimates, 1354–1363.
Forms, blank, 1440.
Fresh meats, 1376, 1383.
Funds in personal possession, 666.
Gains, 1307
Subsistence Department—Continued.
Indians, issues to, 555, 556.
Inspections, 968, 971, 974–970.
Issues—
Of rations, 1389–1402.
Of stores to Indians, 555, 556.
Liquid coffee, 1388.
Purchases, 1352–1354.
Purchasing commissaries, 1352.
Ration, 1377–1402.
Allowance, 1377–1379, 1381–1402.
Commutation, 1410–1425.
Emergency, 1382.
Field, 1380.
Garrison, 1380.
Hospital, 1391–1397.
Issues, 1389–1402.
Travel, 1380, 1386.
Regimental commissaries, 260, 261, 265–267.
Requisition, 1354.
Retired enlisted men.
Sales, 1425–1439.
Savings, 1407–1409.
Storehouses, 1373.
Supplies, 1354.
Transfers, 1364.
Vegetables, 1380, 1384.
Wastage, 1367–1372.
Subsistence Supplies:
Abstracts of issues, 1406.
Articles for sales, 964.
Care, 1356–1376.
Deficiencies, 1367–1371.
Definition, 1355.
Designation of articles for sale, 964.
Disposition, 1361, 1362.
Estimates, 1354.
Gains, 1367.
Gratuitous issues and transfers, 1363.
Inventories, 1350.
Issues, 1357–1360, 1363, 1380–1406.
Property, 1355.
Purchases, 1352–1354, 1407–1409.
Requisitions, 1354.
Sales, 964, 1425–1439.
Storehouses, 1373–1375.
Stores, 1355.
Transfers, 1357–1360, 1364–1366.
Wastage, 1367–1371.
Succession to Command, A. W. 15, 16, 122.
Summary Courts:
Accused, 1031, 1033, 1035.
Approval, 1031, 1036.
Evidence, 1031.
Findings, 1031.
Jurisdiction, 1031, 1033, 1036; A. W. 80, 83.
Objections to, 1033, 1036.
Post commander, 1031, 1032.
Previous convictions, 1030, 1031.
Procedure, 1031–1036.
Punishments, 1039–1041.
Record, 1031, 1032.
Restrictions, 1035.
Review, 1031, 1032.
Sentences, 1031, 1032.
Summons:
Witnesses, 1023–1025.

Sunday:
Observance of, 220.
Sunset Gun, 220.
Superior:
Orders for expenditure, 735.
Superior Officer:
Orders for expenditures, 737, 777.
Superiors:
Abusive language by, 3.
Capricious conduct, 3.
Courtesy toward, 4.
Exercise of authority by, 2.
Injuries to inferiors, 3.
Obedience to, 1.
Respect to, 4.
Tyrannical conduct of, 3.
Superintendent of Military Academy:
Efficiency reports, 900.
Supplies:
Marking, 649.
Purchases, 593–648.
Supply Departments:
Advertising, 578–587.
Bonds, 650–657.
Money accountability, 658–738.
Property accountability, 739–807.
Purchases, 593–657.
Surgeon:
Certificates for sick leave, 72, 74.
Surgeon-General:
Contract surgeons, 1574–1577.
Dental surgeons, 1578–1589.
Hospital Corps, 1590–1620.
Hospitals, 1621–1650.
Matrons, 1630.
Surrender:
Compelling, A. W. 43.
Of offenders, A. W. 59.
Survey, 790–807.
See *Boards of Survey*,
Surveying Expeditions:
Loans of property, 754.
Suspension:
Of sentence, A. W. 101.
As officer, A. W. 111.
Tables, 300.
Tables of Distances, 1472, 1475.
Tableware:
Breakage, 1325.
Care, 315, 1324, 1325.
Charges for, 1325.
Estimates, 315, 1324, 1325.
Tailors:
Altering clothing, 293.
Taps, 443.
Target Practice (see *Small-Arms Practice*), 416–422.
Flour for, 1403.
Targets:
Small-arms practice, 421.
Tattoo, 443.
Tattooing:
Punishment, A. W. 98.
Teachers:
Extra-duty pay, 183.
Teamsters:
Extra-duty pay, 183.
Telegrams:
Copies to follow by mail, 887.
Counting words, 1336.
Forms for, 1339.
Payments for, 1333–1341.
Telegraph Books, 1339.
Telegraphic Code, 1332.
Telegraph Lines:
Construction, 1741, 1744.
Control, 1744.
Dispatches, 1746.
Messages, 1745, 1746.
Press dispatches, 1746.
Telegraphing:
Accounts, 1333, 1335–1338.
Books for, 1339.
Code, 1332.
Collect messages, 1341.
Counting words, 1356.
Framing messages, 1331, 1334–1337.
Official forms, 1339.
Payments, 1333–1341.
Restrictions on, 1331, 1334.
Sending messages, 1340.
Settlement of accounts, 1333–1341.
Telephone Booths, 391.
Telephoning, 1342.
Temporary Absence:
Commutation, 1492.
Temporary Duty:
Orders, 1482.
Tent Pins, 1323.
Territorial Departments:
Assignment of commanders, 207.
Duties of commanders, 207–213, 229.
Establishment, 207.
Succession to command, 213.
Tests:
Attendance, 1738–1740.
For mineral oil, 1122.
Thread, 1404.
Tickets:
Ferries, 1230, 1231.
Sleeping car, 1232–1240.
Street car, 1231.
Timber:
Unlawful cutting, 564.
Time:
Computation of, 733.
Title Papers, 786.
Toilet Paper:
Issues, 1403, 1404.
Tools:
Smiths', 1181.
Torpedoes, 369, 370.
Toweling:
Unbleached, 1404.
Towels:
Huck, 1403.
Transfers:
Commissioned officers, 52, 53.
Enlisted men, 125, 126, 1599.
Hospital Corps, 1599.
Public funds, 676, 677.
Public property, 747–754.
Subsistence, 1364–1366.

Transmittal:
Letters of, 837.
Transportation:
Accounts for, 1190, 1281–1285.
Allotments to departments, 1184.
Ambulances, 1189.
Army transports, 1193–1200.
Artificial limbs, 1673–1676.
Baggage, 1223, 1224, 1241–1245.
Bills of lading, 1256–1285.
Bond-aided roads, 1284, 1285.
Bridges, 1230.
Deserters, 135–137.
Enlisted men, baggage, 1224, 1241–1245.
On furlough, 121, 122.
Executive departments, 1252–1254.
Ferries, 1230, 1231.
Ferry tickets, 1231.
Furloughed soldiers, 121–122.
Furnishing, 1191, 1192.
Land-grant roads, 1284, 1285.
Loans to exploring expeditions, 754.
Material for gymnasiums, etc., 350.
Means of, 1183, 1184, 1190.
Messenger service, 1231.
Mules, 1183.
Officers' horses, 1181.
Pack, 1183, 1184.
Penalty envelopes, 909, 910.
Persons, 1201–1229.
Private horses, 1181.
Property, 1246–1285.
Remains, 99, 180.
Requests, 1208–1229.
Requisitions, 1191.
Retired enlisted men, 147.
Routes, 1186.
Soldiers' Home, 193.
Sleeping car, 1232–1240.
Street cars, 1231.
Supplies, 1246–1285.
Turnpikes, 1230.
Witnesses before civil courts, 1070.
Transportation of Persons:
Accommodations, 1202, 1205, 1206.
Baggage, 1223–1225, 1241–1245.
Changes in route, 1205, 1206.
Civilian physicians, 1207.
Discharged soldiers, 159.
Deserters, 135–137.
Furloughed soldiers, 121, 122.
Orders, 1203.
Remains, 99, 180.
Requisitions for, 1201.
Requests, 1208–1229.
Retired enlisted men, 147.
Returns of troops, etc., 1201.
Routes, 1186–1205, 1206.
Sleeping cars, 1232–1240.
Soldiers' Home, 193.
Troops, 1201–1207.
Transportation Requests:
Accountability for, 1226–1229.
Baggage, 1222–1225.
Blanks, books of, 1226–1229.
Bond-aided roads, 1216.
Transportation Requests—Continued.
Books of, 1226.
Bridges, 1230.
Changes in, forbidden, 1218.
Contents, 1208–1216, 1221.
Ferries, 1230.
Issue, 1208–1216.
Land-grant roads, 1216.
Parlor cars, 1232–1240.
Rates, 1214, 1215.
Receipts, 1212.
Remarks on, 1210.
Return, 1220.
Separate, when required, 1216.
Sleeping cars, 1232–1240.
Street cars, 1231.
Stubs, 1229.
Tickets for, 1219.
Turnpikes, 1230.
Transport Service, 1193–1200.
See *Army Transport Service.*
Transports, 1197–1200.
Deaths on, reports, 93, 95.
Hospitals, 1622.
Quartermasters, 1197–1200.
Subsistence, enlisted men, 1417, 1420, 1421.
Transport Quartermasters:
Duties, 1197, 1198, 1199.
Register, 1200.
Visits, 1199.
Travel Allowances:
Accompanying recruits, 1481.
Actual expenses, sea travel, 1473.
Actual transportation, 1472.
Allowance, 1472.
Changes of station, 1483–1485.
Commissioned officers, 1472–1488.
Committees of Congress, 1488.
Computation of distances, 1472, 1475.
Deductions, 1472.
Discharged enlisted men, 1562–1564.
Engineer officers, 1693.
Expert accountant, 818.
Journeys, orders for, 1477–1481.
Lines of travel, 1478.
Mileage, 1472.
Orders involving, 1477–1481.
Paymasters' clerks, 818.
Payment, 1476.
Public works, 1486.
Quartermaster's Department, transportation by, 1472.
Rejoining station, 1480.
Restrictions on, 1487.
Sea travel, 1473.
Settlement, 1475.
Shortest usually traveled route, 1472–1475.
Tables of distances, 1472, 1475.
Temporary duty, 1482.
Transportation in kind, 1472.
Transports, 1417, 1421.
Travel with troops, 1474.
Vouchers, 1479.
Travel on Duty:
Delays, 79.
Orders for, 78, 80, 81.

Travel on Duty—Continued.
Reports of, 77.
Return journeys, 78.
Route, 77.
Visits to Washington, 83.
Without orders, 82.
Travel Expenses, Civilian Employees:
Actual expenses, 815.
Basis of reimbursement, 814–819.
Change of station, 820.
Commutation of rations, 817.
Expert accountant, 818.
Fares, 814.
Laborers, 815.
Lodging, 814.
Meals, 814.
Paymasters' clerks, 818.
Payment, 819.
Reimbursement, 814.
Rations, 817.
Restriction on payments, 816.
Teamsters, 815.
Transportation requests, 813.
Travel Ration, 1377, 1380, 1386.
Travel with Troops, 1474.
Travel without Troops, 1474.
Travois, 1614.
Treasury Department:
Transportation for, 1252.
Trespassers:
Ejection of, 228.
Public lands, 564.
Reservations, 228.
Trials:
Charges and specifications, 1027–1031.
Clerk, 1062, 1064.
Contempt, 1021.
Counsel, 1037.
Garrison courts.
Inferior courts.
Interpreters, 1065.
Previous convictions, 1030.
Punishments, 1038.
Punishment order, 1038, 1039.
Record, 1055–1061.
Regimental courts.
Reporters, 1062–1064.
Second, for same offense, A. W. 102.
Sentences, 1038–1065.
Summary courts, 1030–1036.
Witnesses, 1023–1026, 1066–1070.
Tribunals:
See *Courts-martial.*
Troops (see *Companies*), 280–316.
Articles of War read to, A. W. 2.
Constructions by, 757.
Duty with, 1490.
Employment of, in execution of laws, 562–568.
Engineer, 1677–1683.
Inspections, 967, 974–976.
Labor of, for contractors, 594.
Monthly returns, 876–883.
Payments to, 1502.
Rations, 1357–1360, 1377–1402.
Rosters, 870.
Salutes by, 452, 453, 479.
Troops:
Transportation, 1201-1245.
Traveling with, 1474.
Trumpeters:
Appointment, 290, 292.
Reduction, 290.
Trumpets, 1327.
Turnpikes:
Payments for use of, 1230.
Twice Tried for Same Offense, A. W. 102.
Tyrannical Conduct:
Forbidden, 3.
Ungarrisoned Posts:
Inspection of, 967.
Unmade Garments, 1298, 1299.
Uniform:
Badges, 1760.
Commanding officer to prescribe, 1757.
Dress for day, 1757.
Enlisted men, 302, 303.
Fatigue, 302.
Ponchos, 1758.
Regulations for, 1756.
Retired officers, 88.
Rubber overcoats, 1758.
Servants not to wear, 1322.
War, 1759.
Union Pacific Railroad:
Transportation by, 564.
Union, salute to, etc., 466.
United States Cavalry and Light Artillery School, 540, 541.
United States Engineer School, 531, 532.
United States Infantry and Cavalry School, 538, 539.
United States Penitentiary, 1042.
United States War College, 530.
Vaccination, 942, 945.
Noted on descriptive lists, 115.
Operation, 942.
Record, 945.
Vegetables:
Issues, 1380, 1384.
Verification:
Fuel and forage, 1171–1177.
Vessels of War:
Salutes, 477, 486.
Visits, 482, 484–487.
Veterans:
Discharge, 156.
Veterinarians:
Allowances, 201.
Appointment, 200.
Duties, 202–204.
Examinations, 200.
Hospitals, 204.
Rank, 9.
Veterinary Hospitals, 204.
Veterinary Medicines, 1151–1153.
Books, etc., 1153.
Custody, 1152, 1153.
Estimates, 1151.
Instruments, 1153.
Issues, 1151, 1152.
Requisitions, 1152.
Veterans' Discharge, 157.
No travel allowances on, 158.

Vice-Admiral:
Relative rank, 12.
Vice-President:
Honors to, 450.
Salutes to, 468.
Victuals:
Liquors, etc., imposts on, A. W. 18.
Vinegar:
Extra issues, 1403.
Violence:
Persons bringing provisions, A. W. 56
Visits:
Arriving officers, 481.
Boarding, 482.
By officers, 481–487.
Commanding officers, 481–487.
Courtesies, 481–487.
Foreign officers, 482, 484.
Governor-general, 483.
Interchange of, 481–487.
Militia, 463, 475.
Naval officers, 482–487.
Return, 481–487.
To officers, 481–487.
Vessels of war, 484–487.
Volunteers, 463, 475.
Volunteers:
Honors to, 463.
Rank, A. W. 10, 11, 123.
Relative rank, 11.
Salutes to, 405.
Vouchers:
Advertising, 585, 587.
Job printing, 589–591.
Printing, 589–591.
Vouchers, Money:
Administrators, 734.
Blank, forbidden, 718.
Certificates of fact, 714.
Checks, 721, 724.
Computation of time, 733.
Contracts, 714–717, 721, 723, 724, 728, 729.
Correctness of certificates, 714.
Due bills, forbidden, 732.
Duplicates, 713.
Execution, 714–717, 721, 723, 724, 728, 729.
Executors, 734.
Facts, certificates of, 714.
Fees, 731.
Foreign, 722.
Heirs, 734.
Identification of payees, 727.
Invoices, 720, 721.
Language, 715.
Money amounts, entry, 716, 730.
Number, 713.
Payments, 719, 722, 724, 727–729, 734.
Receipts, 720, 721, 724, 725, 726.
Signatures, 719, 724, 728, 729.
Vouchers, Money—Continued.
Statement of, 714–717, 721.
Time, computation of, 733.
Vouchers, Property, 747–752.
Wagoners:
Appointment, 290, 292.
Extra-duty pay, 186.
Reduction, 290.
Wagon Master:
Not to be interested in transportation, etc., 1170.
Weighing:
Supplies delivered, 1172–1177.
Waiver of Bonds, 638.
War College, 530.
War Department:
See *Secretary of War.*
War of 1812:
Badges of societies, 1760.
Records, 1754.
War of Revolution:
Badges of societies, 1760.
Records, 1754.
Warrants:
Noncommissioned officers, 268, 269.
War Vessels:
Salutes, 477, 486.
Visits, 482, 484–487.
Washington Aqueduct, 786.
Washington, D. C.:
Reports of arrival, 895.
Visits to, 83.
Watchword, making known, A. W. 44.
Waterproof Coats, 1758.
Whisk Brooms, 1404.
Whistles:
Issue of, 1327.
Wicks, 1116–1128, 1135.
Wine:
Sale of, in exchanges forbidden, 365.
Withholding of Privileges, 1027.
Witnesses:
Appearance, 1023–1025.
Attachment, 1026.
Civilian, 1023.
Fees, 1006–1009.
Judge-Advocate, duties of, 1023–1026.
Refusal to testify, 1067.
Subpœnas to, 1023–1025.
Witnesses, Civilian:
Allowances, 1066–1067.
Attachment, 1026.
Boards of survey, 745, 796.
Civil courts, 84, 1070.
Fees, 1066–1069.
Military courts, 1066–1069.
Payments to, 1067.
Refusal to testify, 1067.
Subpœnas, 1023, 1024.
Writs of attachment, 1026.
Wood:
Issues, 1172, 1174–1177.

22778—03——30

INDEX TO APPENDIX.

[References are to PAGES.]

Absence:
Accrued leave, 382.
Quarters, 380.
Scouts, 320.
(*See* Desertion.)
Absence Without Leave:
Time lost, 296.
Abstract of Issues, 279, 349.
Accountability:
Property, 269, 329.
Accounts:
Insane officers, 407.
Medical attendance, 287.
Mileage, 379.
Rendition, 327, 390.
Accounts Current, 268.
Accoutrements, 265.
Acting Assistant Surgeons:
Proper designations, 322, 364
(*See* Contract Surgeons.)
Acting Hospital Steward:
Detail, 284, 285.
Rank, 259.
Actual Expenses:
See travel, 383, 394.
Additional Pay, 299.
Additional Paymaster, 360.
Adjutant-General:
Books furnished by, 371.
Electrician sergeants, 260, 261.
Retirement of enlisted men, 263.
Returns, Hospital Corps, 285.
Subsistence funds, 267.
Adjutant-General's Department:
Civil employees, 269.
Recruiting service, 269.
Adjutant-General's Office:
Recruiting service, 269.
Adjutants-General:
Department, 306.
Duties, 264.
Official title, 306.
Adjutants of Regiments:
Forage, 272.
Advertising, 324.
Allotment of Pay:
Enlisted men, 380, 381.
Allowances:
Baggage, 273, 274.
Brooms and brushes, 377.
Civilian employees, 269, 300, 377.
Clothing, 274.
Commutation of rations, 281, 282, 379.
Contract and dental surgeons, 411.
Corn brooms, 377.
Allowances—Continued.
Discharged soldiers, 284.
Electric lights, 272.
Flour, 279.
Forage, 272, 411.
Fuel, 271.
General prisoners, 280, 386.
Indian scouts, 320.
Military attaches, 273, 274.
Quarters, 271, 380.
Rations, 276, 277, 278, 279, 377.
Retired soldiers, 263, 393, 395.
Rooms, 271.
Scrubbing brushes, 274, 377.
Shoestrings, 386.
Stoves, 271.
Transportation, 272, 273.
Vinegar cruets, 309.
(*See* Travel Allowances.)
Ambulances, 286.
Animals:
Forage, 272, 411.
Annual Reports, 305, 306.
Appointment:
Army nurses, 337, 343.
Chaplains, 292.
Electrician sergeants, 260, 261, 369.
Post noncommissioned staff, 260, 261, 369
Arctic Clothing:
Issue, 376.
Army Medical School, 321.
Army Nurse Corps:
Regulations, 337, 349, 364.
Army War College, 321, 323.
Articles of War, 260, 261.
Artillery:
Colors, 308.
Inspection, 365, 367.
Artillery Board, 317.
Artillery Corps:
Electrician sergeants, 259, 261, 316, 369.
Fortifications, 266, 307, 313, 316.
Range finders, 266, 313.
Artillery Districts:
Commanders, 307.
Correspondence, 407.
Inspection, 315.
Mileage orders, 312.
Records, 307.
Reports, 315.
Returns, 307.
Submarine mining, 312, 316.
Tools, 312, 314.
Artillery Inspector:
Department headquarters, 264.

Artillery Horses:
Forage, 272.
Use, 333.
Artillery Posts:
Damage, 315.
Defects, 315.
Records, 307.
Reports, 307, 315.
Submarine mining, 312, 316
Tools, 312, 314.
Artillery Practice:
Reports, 372.
Artillery Record:
Post, 370.
Artillery School, 321.
Artisans:
Extra duty, 262.
Attachés:
Allowances, 273, 274.
Badges:
Military societies, 392.
Baggage:
Allowance, 273, 274.
Bakers:
Extra pay, 264.
Battalion Commanders:
Duties, 265.
Batteries:
Inspection, 365.
Beeswax:
Issue, 280.
Blacking:
Shoe, 280.
Blanket Bags:
Marking, 265.
Boards of Survey:
Desertion, 262.
Veterinarians, 289, 305.
Bonds:
Contractors, 266.
Books:
Officers' schools, 309.
Post, 370.
Professional, 273.
Record, 307.
Supply and issue, 370, 371
Brigadier-General:
Baggage, 273, 274.
Rank, 259.
Brooms:
Corn, 274, 377.
Whisk, 280.
Brushes:
Blacking, 280.
Hair, 280.
Scrubbing, 274, 377.
Shaving, 274.
Tooth, 280.
Buildings:
Lighting, 272.
Burial Expenses:
Deceased soldiers, 393, 403
Burial Services, 290.
Buttons, 280.
Cadet:
Computation of service, 409
Rank, 259.
Camp and Garrison Equipage:
Estimates, 274, 275, 374, 376.
Candles:
Issue, 278.
Canteens:
(*See* Post Exchange.)
Captain:
Baggage, 273, 274.
Forage, 272.
Rank, 259.
Cavalry Horses:
Forage, 272.
Certificate of Merit:
Decision, 386.
Pay, 300, 302.
Certificates:
In lieu of discharge, 384.
Changes of Station:
Baggage, 273, 274.
Chaplains:
Examination and appointment, 292.
Monthly reports, 369.
Rank, pay, etc., 291.
Religious services, 292.
Transportation, 291.
Uniforms, 391.
Charges and Specifications:
Disposition, 270.
Forwarding, 270.
Inferior courts, 270.
Investigation, 270.
Summary courts, 270.
Check Book, 267, 326, 406.
Checks:
Destroyed, 267.
Duplicate, 267.
Favor of self, 267.
Limit on account of, 267.
Original, 267.
Payments by, 267.
Subsistence funds, 325.
Chief Commissaries of Departments:
Detail of, and duties, 264.
Chief Musicians:
Allowances, 271.
Rank, 259.
Chief Nurses, 341, 347.
Chief Paymasters of Departments:
Detail, 264.
General duties, 264.
Chief Quartermasters:
Candles for office and storeroom, 278, 279.
Estimates, 375.
Chief of Bureaus:
Stoppages of officers' pay, 283.
Chief Surgeons of Departments:
Detail of, and duties, 264.
Hospital Corps, 284.
Chief Trumpeter:
Rank, 259.
Chimneys, 272.
Circular:
Size, 331.
Subsistence of recruits, 324.
Civilian Clothing:
Wearing of, 391.

Civilian Employees:
Allowances, 269, 289, 300, 377.
Rations, 385.
Status of Philippine, 404.
Transfers, 329.
Travel allowance, 331.
Civilian Physicians, 269.
Civilian Witnesses:
Deposition, 327.
Fees, 327, 334.
Pay and mileage, 404.
Clemency, 270.
Clerks:
Extra-duty pay, 264.
Clothing:
Allowances, 274.
Arctic, 376.
Companies, issue to, 274.
Detachments, 274.
Equipage, 274.
Estimates, 374.
Fur, 376.
Issue, 274, 376.
Leggings, 274.
Purchases, 274.
Recruiting service, 375.
Special requisitions, 375.
College Duty:
Retired officers, 357.
Colonel:
Baggage, 273, 274.
Forage, 272.
Rank, 259.
Color Sergeant:
Rank, 259.
Colors:
Artillery, 308.
Combs, 280.
Commanding Officers:
Efficiency reports, 374.
Suspension of property, 269.
Commands Appropriate to Grades:
Higher grade, pay of, 282, 290, 350, 352, 356.
Commissary-Sergeant:
Post, 259, 260, 275.
Rank, 259.
Regimental, 259.
Commission:
Date of, 259.
Commissioned Officers:
Accountability, 266, 269.
Accounts of insane, 407.
Attachés, 273, 274.
Certificates of merit, 300.
Commutation of quarters, 271, 283, 318, 380.
Credit sales, 379.
Discharged, 300.
Efficiency reports, 373.
Extra pay, 282.
Forage, 272.
Foreign service, 283, 383.
Higher command, 282, 290, 350, 352, 356.
Illuminating supplies, 272.
Instruction, 321, 324.
Leave, 382.
Leave credits, 293, 382.
Leave of absence, 318.
Commissioned Officers—Continued.
Memorandum receipts, 272.
Mileage, 379, 408.
Mounted pay, 317.
Officers' schools, 321, 324.
Official signatures, 407.
Parlor cars, 272.
Pay, 283, 290.
Personal property, 289.
Professional books, 273, 274.
Purchases, 266, 282.
Quarters, 270, 380.
Rank, 259.
Retired officers, 266.
Retirement, 260.
Rooms, 271.
Sales to, 271, 274, 282 3.2.
Sleeping cars, 272.
Summary courts, 270, 271.
Transportation, 272.
Travel allowances, 283.
Veterinarians, 289, 305.
Commutation of Quarters:
Absence from station, 283, 318, 380.
Allowance, 271.
Temporary absence, 283, 318, 380.
Commutation of Rations:
Allowances, 281, 282, 379.
Civilian employees, 269, 385.
Funds for payment, 282.
Furlough, 282.
Meal tickets, 281.
Payment, 282.
Rates, 281, 379.
Retired soldiers, 263.
Vegetables, 309.
Companies:
Cooking, 265.
Lights, 272.
Company Commanders:
Deposits, 283.
Discharges, 263, 264.
Duties, 265.
Final statements, 263, 264, 284.
Company Fund:
Artillery companies, 309.
Transfer, 309.
Competitions:
Small arms, 384.
Components of Ration, 276.
Computation of Service:
Enlisted men, 409, 413.
Confinement:
Commutation, 270.
General prisoners, 270.
Mitigation, 270.
Pardons, 270.
Consolidated Ration Returns:
New blank form, 247.
Contagious Diseases, 333, 412.
Continuous Service, 295, 360, 409.
Continuous Service Pay, 283, 299, 413.
Contract Dental Surgeons, 411.
Contractors:
Bonds, 266.
Contract Surgeons:
Dental surgeons, 411.

Contract Surgeons—Continued.
Designation, 332, 364.
Employment, 269.
Final statements, 298.
Forage, 411.
Pay accounts, 402.
Purchases, 274.
Convalescents:
Diet for, 277, 349.
Convictions:
Previous, 270, 271.
Cooking Stoves:
Allowance, 271.
Corn Brooms:
Allowance, 274, 377.
Corporals:
Rank, 259.
Corporations:
Bonds of, 266.
Correspondence:
Artillery firing, 407.
Official, 331, 407.
Penalty envelopes, 310.
Councils of Administration:
Veterinarians, 289, 305.
Courts-Martial:
Charges and specifications, 270.
Depositions, 327.
Fees, 270, 334.
Forfeitures, 394, 397.
Sentences, 270, 334, 394, 397.
Summary courts, 270, 271.
Veterinarians, 289, 305.
Witnesses, 270, 334, 404.
Credit Sales:
Officers and soldiers, 379.
Deceased Soldiers:
Burial expenses, 393.
Debts due post exchange, 310.
Disposition of remains, 403.
Decorations:
Foreign countries, 391.
Degrees of Rank, 259.
Dental Surgeons:
Certain employees, 284.
Duties, 284.
Enlisted men, 284.
Families, 284.
Forage, 411.
Officers, 284.
Official relations, 364.
Purchases, 274.
Restrictions, 284.
Department Commanders:
Aids, 264.
Estimates, 331.
Pardon, 270.
Requisitions, 331.
Staff, 264.
Department Competitions, 384.
Department of Agriculture, 257.
Departments, 264.
Depositions:
Witnesses, 327.
Depositories:
Public moneys, 266.
Deposits of Pay:
Books, 283.
Interest, 283.
Payment, 283.
Rates of interest, 283.
Descriptive and Assignment Cards:
Preparation, 414.
Descriptive Lists:
Preparation, 414.
Deserters:
Board of survey, 262.
Charges against, 262.
Expenses of apprehension, 263.
Forfeitures, 263.
Rewards, 263.
Details:
Extra duty, 264.
Diet for Sick, 277, 349.
Disability:
Discharge, 400.
Disbursing Officers:
Accounts, 268.
Advertising, 324.
Check book, 267, 326, 406.
Checks, 267.
Deposits, 266.
Money accountability, 266.
Personal possessions, 267.
Proceeds of sale, 268.
Property accountability, 269.
Purchases, 269, 324.
Rendition of accounts, 327, 390.
Vouchers, 268, 269.
Disbursements:
Commutation of rations, 281, 282.
Discharge:
Additional payments, 360.
Army nurses, 338, 344, 364.
Disability, 400.
Post noncommissioned staff, 384.
Volunteer officers, 360.
Discharge Certificate:
Certificate in lieu of lost, 384.
Preparation, 390.
Previous service, 264.
Discharged Soldiers:
Disability, 400.
Final statements, 284, 298, 384.
Fort Bayard General Hospital, 350.
Fraudulent enlistment, 284.
Travel pay, 263, 264, 272, 282, 284, 296, 297, 299, 300, 363, 370, 391, 396, 399.
Discharge of Enlisted Men:
Admission to hospital, 287.
By purchase, 299.
Discharges:
Payments on, 284.
Discontinued Commands:
Records, 371, 373.
Disinfection, 365, 412.
Distinguished Service, 300, 302.
Drum-Major:
Rank, 259.
Duplicate Checks, 267.
Duty:
Extra, 264.
Effects of Deceased Soldiers, 262.

Electrician-Sergeants:
Appointment, 260, 261.
Duties, 261.
Examination, 261, 316.
Instruction, 261, 316.
Personal reports, 370.
Qualification, 260, 261.
Rank, 259.
Selection, 260, 261.
Stations, 261.
Electric Lights, 272.
Electric Plants:
Fortifications, 314.
Emergency Purchases, 324.
Emergency Rations, 336.
Emplacements:
Inspection, 365.
Employees:
Civilian, 269, 300, 329, 330, 404.
Efforts to influence legislation, 289.
Engineer Department:
Civil employees, 269.
Money accounts, 267, 269.
Purchases, 266.
Engineer Officers:
Department headquarters, 264.
Engineer School, 316, 321.
Enlisted Men:
Absence without leave, 296.
Allotment of pay, 380, 381.
Artisans, 264.
Bakers, 264.
Blacksmiths, 264, 385.
Certificates of merit, 300, 302, 386.
Clerks, 264.
Clothing, 274, 276, 375.
Commutation of rations, 263, 269, 281, 282.
Computation of service, 263, 295, 409.
Confinement, 270.
Cooking, 265.
Credit sales, 379.
Debts due post exchange, 310.
Dental work, 284.
Deposits, 283.
Details on extra duty, 300.
Discharges, 263, 264.
Extra-duty pay, 300.
Final statements, 263, 284, 298, 299.
First-aid instructions, 381.
Foreign-service pay, 383.
Furlough, 370.
Hospital Corps, 277, 279, 284, 286, 298.
Illuminating supplies, 272.
Laborers, 264.
Mechanics, 264.
Noncommissioned staff, 260, 261.
Payments, 283, 380.
Personal favors, 289.
Property, 265.
Rank, 259.
Rations, 276, 279, 385.
Reenlistment pay, 283, 389.
Retention beyond term, 407.
Retirement, 263.
Salutes, 289, 393.
School teachers, 264.
Sleeping cars, 272.
Enlisted Men—Continued.
Summary courts, 272.
Teachers, 264.
Teamsters, 264.
Transfers, 262.
Travel allowances, 263, 264, 272, 282, 284, 296, 297, 299, 300, 363, 370, 379, 391, 396, 399.
Uniform, 265, 390.
Enlistments:
Hospital Corps, 284.
Improper, 332.
Medical inspection, 269.
Restrictions, 389.
Envelopes:
General prisoners, 334.
(*See* Penalty Envelopes.)
Equipage:
Brooms, 274, 377.
Issues, 274, 377.
Scrubbing brushes, 274, 377.
Escaped Prisoners:
Reward, 263.
Estimates:
Approved, 331.
Clothing and equipage, 374, 376.
Examination:
Chaplains, 292, 293.
Enlisted men for promotion, 369.
Physical, of recruits, 269.
Post noncommissioned staff, 260, 261
Exchange Officers:
Veterinarians, 289, 305.
Exchanges:
(*See* Post Exchanges.)
Expendable Material:
Ordnance stores, 406.
Extra Duty:
Authority for, 264, 300.
Bakers, 264.
Clerks, 264.
Compensation, 264.
Details, 264.
Laborers, 264.
Mechanics, 264.
Orders for, 264.
Overseers, 264.
Rates of pay, 264.
Restrictions on, 264.
School-teachers, 264.
Teamsters, 264.
Extra Duty Pay:
Rates of, 264.
Reimbursement, 403.
Restrictions on, 264, 300.
Extra Issues, 278, 279.
Extra Pay:
Extra duty, 264.
Volunteer officers discharged, 360.
Families:
Dental work, 284.
Transportation, 300.
Farriers and Blacksmiths:
Training school, 385.
Fees:
Depositions, 327.
Witnesses, 327, 334.
Field Artillery Board, 317.

Field Artillery Material:
Repairs, 367.
Field Ration, 276, 377.
Filipino Ration, 378.
Final Statements:
Contents, 263.
Discharged soldiers, 263, 298, 299.
Notations on, 370.
Payments, 284.
Transportation noted, 263, 370.
First Aid Instructions, 381.
First Lieutenants:
Rank, 259.
First Sergeant:
Rank, 259.
Flour:
Issue, 279.
Forage:
Private horses, 272, 411.
Foreign Service:
Pay, 283, 383.
Forfeitures:
Court-martial, 394, 397.
Desertion, 263.
Fort Bayard, N. Mex.:
Subsistence, 350.
Fortifications:
Artillery Cops, 266.
Defects, 315.
Electric plants, 314.
Position finders, 266, 313.
Property, 316.
Records, 307.
Fresh Meats:
Issue, 276.
Fresh Vegetables:
Commutation, 309.
Fuel:
Allowances, 271.
Funds:
In personal possession, 267.
(*See* Public Moneys.)
Fur Clothing:
Issue, 376.
Furloughs, 295.
Change of station, 370.
Commutation of rations, 282.
Gains and Wastage, 275.
Garrison Courts, 271.
Gas for Lighting, 272.
General:
Rank, 259.
General Courts:
(*See* Courts-Martial.)
General Hospitals:
Fort Bayard, N. Mex., 350.
General Officers:
Rank, 259.
General Orders:
Size, 331.
Subsistence of recruits, 324.
General Prisoners:
Clemency, 270.
Issues, 280, 386.
Rewards for, 263.
Stationery, 333, 334.
General Service and Staff College, 321.
Grades of Rank, 259.
Gratuitous Issue:
Clothing, 376.
Guard House:
Lights, 272.
Guidons:
Artillery, 208.
Gun Carriages:
Care, 314.
Oil, 313.
Gunners:
Retired pay, 395.
Guns and Mortars:
Posts, 371.
Habeas Corpus:
Writs, 332.
Haversacks:
Marking, 265.
Heads of Departments:
Purchases, 266.
Staff administration, 269.
Heating Stoves, 271.
Higher Command:
Pay, 282, 290, 350, 352, 356.
Horse Equipments:
Excess, 367.
Scouts, 320.
Horses:
Forage, 272, 411.
Indian scouts, 320.
Private, 272.
Team or draft, 333.
Hospital Corps:
Acting hospital stewards, 284.
Duties, 286.
Enlistments, 285.
Equipments, 286.
Field service, 286.
Final statements, 298.
Garrison service, 286.
Hospital stewards, 284.
Rations, 277, 279, 284, 285.
Hospital Patients:
Ice, 349, 389.
Hospitals:
Buildings, 287.
Service, 287.
Hospital Stewards:
Appointment, 285.
Rank, 259.
Huck Towels, 278, 279.
Hydroline Oil, 313.
Ice:
Hospital patients, 349.
Machine, 389.
Sales, 389.
Ice Machines:
Control of, 389.
Illness:
Army nurses, 341, 347.
Illuminating Supplies:
Burners, 272.
Electric lights, 272.
Issues, 272.
Lamps, 272.
Noncommissioned officers, 272.
Sales, 272.

Increase of Pay:
Efforts to procure, 289.
Foreign service, 283, 383.
Higher command, 282, 290, 350, 352, 356.
Length of service, 304.
Veterinarians, 304.
Indebtedness, 296, 310.
Indians:
Supplies and stores, 266.
Indian Scouts:
Allowances, 320.
Temporary absence, 320.
Infectious Diseases, 333, 412.
Inferior Courts:
Trials, 270.
Insane:
Pay accounts of, officers, 407.
Inspector-General's Department:
Civil employees, 269.
Inspectors:
Batteries or emplacements, 265, 267.
Department headquarters, 264.
Medical, of recruits, 269.
Instruction:
Enlisted men, 292.
Officers, 321, 324.
Instruments, 312.
Interest on Deposits, 283.
Interior Economy of Companies:
Accouterments, 269.
Blanket bags, 269.
Equipments, 269.
Marking, 269.
Property, 269.
Inventory:
Subsistence stores, 275.
Issues:
Equipage, 274, 376.
Forage, 272.
Fuel, 271, 272.
Illuminating supplies, 272.
Rations, 277, 279.
Job Printing:
Envelopes, 332.
Judge-Advocates:
Department headquarters, 264.
Laborers:
Extra-duty pay, 264.
Lamp Chimneys, 270.
Lamps, 272.
Lamp Wicks, 270.
Lantern Candles:
Issues, 278.
Lanterns, 270.
Leaves of Absence:
Accrued, 382.
Army nurses, 340, 347.
Commissioned officers, 293, 318.
Commutation of quarters, 318.
Veterinarians, 303.
Leggings, 274.
Legislation:
Efforts to influence, 289.
Lieutenant-Colonel:
Baggage, 273, 274.
Forage, 272.
Rank, 259.
Lieutenant-General:
Baggage, 273, 274.
Forage, 272.
Rank, 259.
Lieutenants:
Baggage, 273, 274.
Forage, 272.
Rank, 259.
Light Batteries:
Colors, 308.
Lights, 272.
Lineal Rank, 259.
Liquors:
Purchase, 336.
Litter Bearers:
Instructions, 381.
Lubricant:
Hydroline oil, 313.
Lyceums, 308.
Magazine Arms, 367.
Major:
Baggage, 273, 274.
Forage, 272.
Rank, 259.
Major-General:
Baggage, 273, 274.
Forage, 272.
Rank, 259.
Marking of Property:
Company, 265.
Matches:
Issue, 278.
Mechanics:
Extra-duty pay, 264.
Medals of Honor:
Decisions, 386.
Wearing, 391.
Medical Attendance:
Accounts, 287.
Charges, 287.
Enlisted men, 287.
Officers, 287.
Payments, 287.
Medical Department:
Attendance, 287.
Dental surgeons, 284.
Hospital corps, 277, 280.
Ice machines, 389.
Medical attendance, 287.
Money accounts, 267, 269.
Purchase of liquors, 336.
Recruits, medical inspection, 269.
Reports, 287.
Savings, 278, 280.
Service hospitals, 287.
Medical Inspection of Recruits:
By whom made, 269.
Character, 269.
Medical examination at posts, 269.
Recruiting officer, 269.
Mess Furniture:
Vinegar cruets, 309.
Method of Purchase, 266.
Mileage:
Accounts, 379.
Officers, 408.

Mileage—Continued.
Orders, 312.
Witnesses, 334, 404.
Military Attaches:
Baggage, 273, 274.
Military Commanders:
Annual reports, 305, 306.
(*See* Commanding Officers.)
Military Departments, 264.
Mineral Oil:
Allowance, 270.
Mosquitos, 336.
Mines:
Submarine, 312.
Minors:
Enlistments, 332.
Misconduct:
Discharge for, 296, 297.
Mitigation:
Sentences, 270, 334.
Money Accountability, 267, 269.
Money Accounts, 282, 327.
Money Vouchers, 268, 269.
Monthly Reports:
Chaplains, 369.
Mosquitos:
Destruction, 336.
Mounted Pay:
Begins when, 317.
Mugs:
Shaving, 280.
National Guard, 321.
Needles, 280.
Noncommissioned Officers:
Allowances, 271, 276, 282, 377.
Baggage, 273, 274.
Burial expenses, 393.
Certificate of appointment, 265.
Commutation of rations, 281, 282, 379.
Details on extra duty, 264.
Fuel, 271.
Illuminating supplies, 271, 272.
Quarters, 271.
Rank, 259.
Noncommissioned Staff:
Battalion, 265.
Post, 261, 369.
Regimental, 265.
Nurse Corps:
Regulations, 337, 349, 364.
Occasions of Ceremony:
Uniform, 392.
Officers:
(*See* Commissioned Officers.)
Officers' Schools:
At posts, 308, 320, 321.
Official Correspondence, 331.
Oil:
Hydroline, 313.
Mineral, 272.
Orders:
Mileage, 312.
Mounted pay, 317.
Orders and Circulars:
Sizes, 331.
Ordnance Department:
Civil employees, 269, 331.
Ordnance Department—Continued.
Fortifications, 266.
Instruments, 266.
Issues, 266.
Money accountability, 267, 268.
Purchases, 266.
Ordnance Detachments:
Clothing and equipage, 376.
Ordnance Officer:
Department headquarters, 264.
Ordnance Sergeant:
Appointment, 260, 369.
Qualifications, 260.
Rank, 259.
Selection, 260.
Ordnance Stores and Supplies, 367, 368.
Expendable, 406.
Experimental, 385.
Paper:
Toilet, 278, 279.
Writing, 333.
Pardon, 270.
Parlor Cars, 272.
Pay:
Extra duty, 264, 278, 279, 300, 403.
Foreign service, 283, 383.
Higher command, 282, 290, 350, 352, 356.
Nurses, 339, 345.
Retired, 357, 359.
Retired soldiers, 263, 264.
Witnesses, 270, 334, 404.
Pay Accounts:
Assignment, 402.
Pay and Allowances:
Chaplains, 291.
Veterinarians, 289.
Pay Department:
Commissioned officers, 283.
Deposits, 283.
Discharged soldiers, 284.
Enlisted men, 283, 284.
Extra pay, 282.
Foreign service, 283.
Higher grade, 282.
Payments, 283, 284, 380.
Reenlistments, 283.
Travel allowances, 283.
Payments:
Allotment, 380, 381.
Commissioned officers, 283.
Commutation of quarters, 283.
Commutation of rations, 283.
Discharged soldiers, 284.
Enlisted men, 380.
Retired soldiers, 263.
Telegrams, 274.
Travel allowances, 283.
Troops, 283, 380.
Payments to Troops:
Deposits, 283.
Witnessing, 289, 305.
Pay Vouchers:
Officers, 350.
Penalty Envelopes:
Job printing, 332.
Post exchange, 310.

Personal Favors:
Efforts to secure, 289.
Personal Hygiene, 412.
Personal Reports, 370.
Personal Staff:
Department commanders, 264
Philippine Islands:
Clothing and equipage, 376.
Travel allowances, 299.
Philippine Scouts:
Rations, 377.
Physical Examination:
Recruits, 269.
Postage Stamps:
General prisoners, 334
Post Bakeries:
Bakers, 264.
Post Commanders:
Command, 393.
Estimates, 374.
Ration returns, 277.
Summary courts, 270, 271.
Post Commissary Sergeants:
Appointment, 260, 369.
Discharge, 304.
Personal reports, 370.
Qualifications, 260.
Rank, 259.
Selection, 260.
Post Exchanges:
Officers, 289, 305.
Penalty envelopes, 310
Records, 371.
Regulations, 265.
Sales, 310.
Soldiers' indebtedness, 310.
Taxes, 309.
Post Noncommissioned Staff:
Appointment, 260, 369.
Discharge, 304.
Duties, 260.
Examination, 260.
Personal reports, 370.
Qualifications, 260.
Selections, 260.
Stations, 260.
Post Quartermaster Sergeants:
Appointment, 260, 369.
Discharge, 304.
Personal reports, 370.
Qualifications, 260.
Rank, 259.
Selection, 260.
Posts:
Clothing, 274, 375, 376.
Fixed batteries, 371.
Records, 370.
Post Treasurers:
Veterinarians, 289.
Precedence:
Order, 259.
Previous Convictions, 270.
Previous Service:
Notations concerning, 264.
Principal Musician:
Rank, 259.
Prisoners:
Charges, 374.
Confinement, 270
General, 270.
Issues, 280, 386.
Pardons, 270.
Release, 270.
Rewards, 263.
Private Horses:
Forage, 272, 411.
Proceeds of Sale, 268.
Professional Books and Papers, 273.
Promotion:
Enlisted men, 369.
Volunteer officers, 354.
Property:
Accountability, 269, 329.
(*See* Public Property.)
Public Animals:
Forage, 272.
Salt, vinegar, etc., 279.
Public Moneys:
Accounts current, 268.
Checks, 267.
Deposits, 266.
Personal possession, 267.
Proceeds of sale, 268.
Vouchers, 268, 269.
Public Property:
Boards of survey, 269.
Branding, 265.
Damaged, 269.
Destroyed, 269
Lost or stolen, 269.
Marking, 265.
Recovery, 269.
Rewards, 269.
Stolen, 269.
Public Records, 373.
Purchasing Commissaries:
Purchases, 275.
Punishment:
Mitigation, 270.
Purchases:
Contractors, 266, 324.
Subsistence stores, 275.
Quartermaster's Department:
Accountability for property, 269.
Animals, 272.
Baggage, 273, 274.
Barracks and quarters, 271.
Bills of lading, 273, 274.
Brooms, 274, 377.
Brushes, 274, 377.
Civil employees, 269.
Clothing and equipage, 274.
Electric lights, 272.
Forage, 272, 411.
Fuel, 271.
Gas, 272.
Horses, 272.
Ice machines, 289.
Illuminating supplies, 272.
Public animals, 272
Purchases, 266.
Quarters, 271
Rooms, 271.

Quartermaster's Department—Continued
Scrubbing brushes, 274, 377.
Stoves, 271, 274.
Transportation, 272, 274, 370, 391, 408.
Quartermaster-Sergeants:
Post and regimental, 259, 260.
Quartermaster Stores:
Purchases, 266.
Quarters:
Allowances, 271, 380.
Army nurses, 340, 346.
Commutation, 271, 283, 318, 380.
Range Finders, 266, 313.
Rank:
Grades, 259.
Lineal, 259.
Precedence, 259.
Ration Returns:
New blank form, 349.
Preparation, 277, 385.
Rations:
Candles, 276.
Civilian employees, 385.
Commutation, 281, 282, 379.
Definition, 377.
Emergency, 336.
Field, 276.
Filipino, 378.
Fresh meat, 276.
Garrison, 276.
General hospital, 350.
Hospital, 277.
Returns, 277, 385.
Savings, 378.
To whom issued, 377.
Value, 378.
Varieties, 377.
Vegetable, 276.
Razors, 280.
Records:
Artillery districts, 307.
Discontinued commands, 371, 373.
Recruiting:
General instructions, 409.
Restrictions, 389.
Recruiting Parties, 324, 325, 406.
Recruiting Service:
Clothing and equipage, 375.
Commutation of rations, 281.
Enlistment, 269.
Physical examination, 269.
Recruits:
Credit sales, 379.
Hospital Corps, 285.
Infectious diseases, 333.
Physical examination, 269.
Subsistence, 406.
Vaccination, 333.
Reduction:
Noncommissioned officers, 259, 265.
Reenlisted Pay, 299.
Reenlistment:
Continuous-service pay, 413.
In the Philippines, 399.
Noncommissioned officers, 259, 265.
Notations on discharge certificate, 264.
Restrictions upon, 389.
Regimental Commanders:
Duties, 265.
Noncommissioned staff, 265.
Ration return, 277.
Regimental Courts, 271.
Regimental Noncommissioned Staff:
Allowances, 271.
Appointments, 265.
Composition, 265.
Rank, 259.
Reduction, 265.
Warrants, 265.
Regimental Staff, 265, 371.
Reimbursement:
One department by another, 327.
Religious Services:
Chaplains, 292.
Remission:
Sentences, 334.
Repairs:
Field-battery material, 367.
Reports:
Annual, 305, 306.
Army nurses, 341, 348.
Artillery practice, 372.
Efficiency, 373.
Fortifications, 266.
Medical Department, 287.
Personal, 370.
Requisitions:
Approval, 331, 375.
Clothing, 375.
Small arms, 367.
Reserve Nurses, 342, 349.
Retention in Service:
Beyond expiration of term, 407.
Retired Officers:
College duty, 359.
Pay, 357,
Uniform, 260, 392, 401.
Retired Soldiers:
Artillery gunners, 395.
Burial expenses, 393.
Certificate of merit, 302.
Double service, 263.
Pay and allowances, 263, 395.
Retirement, 263.
Service, computation of, 263, 295.
Retired Pay:
Enlisted men, 263, 395.
Reviewing Authority, 261.
Review of Proceedings, 270.
Reward:
Deserters, 263.
Prisoners, 263.
Property, 269.
Rubber Stamps, 332.
Sales:
Credit, 379.
Fuel, 272.
Ice, 389.
Proceeds of, 267.
Sales of Subsistence:
Accounts, 282.
Allowance, 282.
Civil employees, 282, 379.

Sales of Subsistence—Continued.
Commissioned officers, 282, 379.
Recruits, 325.
Sales to Officers:
Subsistence, 282, 379.
Salt:
Issue, 279.
Salutes:
Cannon, 315, 373.
Veterinarians, 289, 393.
Sanitation, 365, 412.
Savings:
Rations, 378.
School of Application, 321.
School of Submarine Defense, 321.
School-Teachers, 183.
Scissors, 280.
Scouts:
Indian, 320.
Scrubbing Brushes:
Allowance, 274, 377.
Seacoast Defenses:
(*See* Fortifications.)
Sea Travel:
Actual expenses, 383, 394.
Second Lieutenants:
Baggage, 273, 274.
Rank, 259.
Secretary of War:
Clemency, general prisoners, 270.
Commutation of quarters, 283.
Recruiting service, 269.
Sewing machines for prisoners, 280.
Transfers, 262.
Sentences:
Approval, 270.
Forfeitures, 394, 397.
Mitigation, 270, 334.
Sergeant-Major:
Appointment, 265.
Personal reports, 370.
Rank, 259.
Reduction, 265.
Warrants, 265.
Sergeants:
Rank, 259.
Service of Hospitals:
Discharged soldiers, 287.
Shoe Strings:
Issue to prisoners, 386.
Sick:
Subsistence, 277.
Sick and Wounded:
First aid, 381.
Signal Corps Detachment:
Clothing and equipage, 376.
Signal Department:
Civil employees, 269.
Purchases, 266.
Signal Officer:
Department headquarters, 264.
Signal Sergeants:
Rank, 259.
Signatures:
Official, 407.
Witnessing, 269.
Sleeping Cars, 272.
Small Arms:
Requisitions, 367.
Responsibility for, 329.
Smallpox, 333.
Soap:
Issue, 280.
Shaving, 280.
Soldiers' Home:
Beneficiaries at Fort Bayard, 350.
Solicitation:
Personal favors, 289.
Special Diet, 277, 349.
Special Service Schools:
List of, 321.
Specifications, 270.
Stable Sergeant:
Rank, 259.
Staff:
Department, 264.
Staff Administration:
Property accountability, 269.
Purchases, 266.
Staff Departments, 269, 284, 285, 407.
Staterooms, 272.
Stationery:
General prisoners, 333.
Stencils:
Guns and mortars, 372.
Stoppages of Pay:
Court-martial sentences, 394.
Indebtedness to canteens, 310.
Stores:
Proceeds of sales, 267.
Procurement, 266.
Transfer, 266.
Submarine Mining, 312, 316.
Subsistence:
Army nurses, 340, 346.
At Fort Bayard, 350.
Recruiting parties and recruits, 406.
Subsistence Department:
Care of supplies, 275.
Civil employees, 269.
Commutation of rations, 281, 282.
Duties, 275.
Estimates, 275.
Funds, 267.
Gains and wastage, 275.
Issues, 277–279.
Purchases, 275.
Rations, 276, 278, 281, 282.
Sales, 282.
Wastage, 276.
Subsistence Funds:
Checks, 325.
Subsistence Property:
Boards of survey, 275.
Composition, 275.
Losses, 275.
Subsistence Stores:
Boards of survey, 275.
Care, 275.
Composition, 275.
Deficiencies, 276.
Gains and wastage, 275, 276.
Inventory, 275.
Issue, 276, 281, 282.

Subsistence Stores—Continued.
Property, 275.
Purchase, 275.
Special diet, 277.
Sales, 282.
Surplus, 310.
Summary Courts, 270, 271.
Supply Departments:
Property accountability, 269.
Purchases, 266.
Supplies:
Proceeds of sales, 267.
Procurement, 266.
Transfer, 266.
Supplies or Services:
Vouchers, 268.
Surety Companies, 266.
Surgeon-General:
Dental surgeons, 284.
Hospital Corps, 284, 287.
Target Practice:
Flour for, 278, 279.
Taxes:
Post exchanges, 309.
Teachers, 264.
Telegraphing:
Counting words, 275.
Temporary Absence, 283, 380.
Thread, 280.
Toilet Paper:
Issue, 278, 280.
Tools, 312, 314.
Toweling:
Unbleached, 280.
Towels:
Issue, 279.
Transfers:
Civilian employees, 329.
Company funds, 309.
Enlisted men, 262.
Hospital Corps, 285.
Nurses, 339, 345.
Supplies and stores, 266, 275.
Transportation:
Army nurses, 339, 342, 346.
Baggage, 273, 274.
Deserters, 263.
Executive departments, 275.
Sleeping cars, 272.
Transportation of Persons:
Chaplains, 291.
Deserters, 263.
Discharged soldiers, 263, 370, 391, 396, 399.
Sleeping cars for, 272.
Transports:
Transportation, 300.
Travel Allowances:
Commissioned officers, 283, 329.
Discharged soldiers, 264, 284, 296, 297, 299, 362, 363, 370, 391, 396, 399.
Restrictions on, 283.
Volunteer officers, 360.
Travel Expenses Civil Employees, 269, 331.
Travel Rations, 276, 278.
Trials:
Charges and specifications, 270.
Garrison courts, 270.
Inferior courts, 270.
Previous convictions, 270.
Regimental courts, 270.
Summary courts, 270, 271.
Troops:
Transportation, 272, 274.
Typhoid Fever:
Prophylaxis, 412.
Uniform:
All arms, 391.
Army nurses, 342, 348.
Regulations, 391.
Retired officers, 260, 392.
Vaccination:
Method, 333.
Vegetables:
Fresh, 309.
Venereal Diseases:
Discharge for, 296, 297.
Veterans:
Preference, 327.
Veterinarians:
Increased pay of, 304.
Leave status, 303.
Purchases, 274.
Rank, 259.
Status, 289, 305, 393.
Vinegar:
Issue, 279.
Vinegar Cruets, 309.
Vital Statistics:
Reports of chaplains, 369.
Volunteer Officers:
Additional paymaster, 360.
Discharge, 360.
Promotion, 354.
Vouchers:
Contracts, 268.
Execution, 268.
Payments, 269.
Preparation, 268.
Signatures, 269.
Statement of, 269.
War College, 321.
Warrants:
Noncommissioned officers, 259, 265.
Wastage, 275, 276.
Whisk Brooms, 280.
Witnesses:
Civilian, 327, 334, 404.
Depositions, 327.
Fees, 327, 334, 404.
Payments of enlisted men, 289, 305.
Signatures, 269.
Writ of Habeas Corpus, 332.

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